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ABSTRACT

To improve monetization of electronic advertisement placement, a profile owner company operates an automatic system for identifying media properties that have interests in specific profiles or profiles of a specified category or kind. The profile owner recognizes a collected visitor profile as one that a media property has previously requested or one that is within a category that a media property has previously requested and arranges for the visitor to be tagged with a tag readable by the media property that requested such a profile. The media property can use the tag in displaying customized advertising to the visitor. Using information received from the media property, the profile owner company then records usage of the profile by the media property.

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I claim:

1. A method for providing collected profiles comprising:

(a) responsive to receiving profile information about an electronic visitor to a profile supplier, automatically selecting a media property based on a comparison of the profile information received about the visitor with a previously received request for specific profiles or kinds of profiles of interest to the media property; and

(b) automatically arranging for electronic storage of a tag that is associated with the visitor and that is readable by the selected media property.

2. The method of claim 1 wherein part (a) comprises automatically selecting a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles.

3. The method of claim 1 wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier.

4. The method of claim 1 wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles.

5. The method of claim 1 further comprising recording a fee to the profile supplier in exchange for the profile information received from the profile supplier.

6. The method of claim 1 wherein the tag comprises personally identifiable information identifying the visitor.

7. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises arranging for electronic storage of the profile information in the tag.

8. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises arranging for electronic storage of the profile information in a database locatable through the tag.

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9. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

10. The method of claim 1 further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property.

11. The method of claim 10 further comprising, based on the report, recording an amount owed by the selected media property for profile usage.

12. The method of claim 11 further comprising calculating fees owed to a plurality of profile suppliers based on respective contributions of said profile suppliers to the profile identified in the report as having been used.

13. The method of claim 10 wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property.

14. The method of claim 11 wherein the report comprises a redirection of the visitor from the selected media property when the selected media property utilizes the profile to deliver the advertisement.

15. The method of claim 14 wherein the redirection occurs by incorporating a redirection instruction into the advertisement.

16. The method of claim 1 wherein the profile supplier operates in a different media than the selected media property.

17. The method of claim 16 wherein the profile supplier operates in the Internet and the selected media property operates in a television media.

18. The method of claim 1 wherein part (a) comprises automatically selecting a media property based on a comparison of the profile information received about the visitor with a plurality of requests, previously received from the media property, each request being for a specific profile or kind of profiles.

19. The method of claim 18 further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing

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information about usage of the profile in association with a visit by the profiled visitor to the selected media property, and wherein the report further contains information identifying which profile or kind of profiles the selected media property used in connection with usage of the profile.

20. The method of claim 19 wherein the report comprises a redirection of the visitor from the selected media property when the selected media property utilizes the profile to deliver the advertisement, and wherein the information identifying which profile or kinds of profiles the selected media property used is contained in the URL to which the visitor is redirected.

21. The method of claim 1:

(i) wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier;

(ii) wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles;

(iii) wherein part (a) comprises automatically selecting at least one of a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles;

(iv) wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

(v) further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property;

(vi) wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property; and

(vii) further comprising, based on the report, recording (A) an amount owed by the selected media property for profile usage, and (B) a fee owed to the profile supplier for providing the profile information that was used by the selected media property.

22. A computer server programmed to implement a method for providing collected profiles comprising:

(a) responsive to receiving profile information about an electronic visitor to a profile supplier, automatically selecting a media property based on a comparison of the profile information received about the visitor with a previously received request for specific profiles or kinds of profiles of interest to the media property; and

(b) automatically arranging for electronic storage of a tag that is associated with the visitor and that is readable by the selected media property.

23. The computer server of claim 22 wherein the server is further programmed to implement a method for providing collected profiles:

(i) wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier;

(ii) wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles;

(iii) wherein part (a) comprises automatically selecting at least one of a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles;

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(iv) wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

(v) further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property;

(vi) wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property; and

(vii) further comprising, based on the report, recording (A) an amount owed by the selected media property for profile usage, and (B) a fee owed to the profile supplier for providing the profile information that was used by the selected media property.

24. A method for receiving collected profiles comprising:

(a) providing to a profile owner a request for specific profiles or kinds of profiles of interest along with a request for the profile owner to automatically arrange for electronic storage of a tag that is associated with visitors to a first media property having profile information matching the requested profiles or kinds of profiles; and

(b) later, automatically checking visitors to a second media property for the tag and, when found, automatically causing the delivery of a profile-dependent advertisement to the tagged visitors.

25. The method of claim 24 further comprising, after part (a) and before part (b), automatically tagging visitors redirected by the profile owner.

26. The method of claim 24 further comprising, after parts (a) and (b), electronically reporting to the profile owner information about delivery of the advertisement to the tagged visitors.

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27. The method of claim 26 wherein electronically reporting comprises automatically redirecting tagged visitors to the profile owner along with delivery of the advertisement.

28. The method of claim 27 wherein automatically redirecting comprises delivering an advertisement containing a redirection instruction.

29. The method of claim 26 wherein reporting further comprises automatically electronically identifying to the profile owner one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

30. The method of claim 29 wherein electronically reporting comprises automatically redirecting tagged visitors to the profile owner along with delivery of the advertisement and identifying comprises redirecting tagged visitors to one of a plurality of URLs depending on which of the plurality of profiles or kinds of profiles was used in association with delivery of the advertisement.

31. The method of claim 24 further comprising, after parts (a) and (b), paying a fee to the profile owner as a result of delivery of the ad to the tagged visitors.

32. The method of claim 24 wherein the act of automatically causing delivery of a profile-dependent advertisement in part (b) is performed only when a price for delivery of the profile-dependent advertisement to the tagged visitor is higher than a price for delivery to the tagged visitor of an advertisement based on content adjacent to the ad space into which the advertisement is delivered.

33. The method of claim 32 further comprising:

(i) after part (a) and before part (b), automatically tagging visitors redirected by the profile owner;

(ii) after parts (a) and (b), automatically electronically reporting to the profile owner information about delivery of the advertisement to the tagged visitors, which information includes identifying to the profile owner one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement; and

(iii) after parts (a) and (b), paying a fee to the profile owner as a result of delivery of the advertisement to the tagged visitors.

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PROVIDING COLLECTED PROFILES TO MEDIA PROPERTIES HAVING SPECIFIED INTERESTS

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006, which is incorporated herein by reference.

FIELD OF THE INVENTION

The present invention generally relates to profile-based behavioral targeting advertisement placement services. More specifically, the present invention relates to improving monetization of electronic advertisement placement.

BACKGROUND OF THE INVENTION

DoubleClick's "Boomerang" is a service for advertisers that places a cookie on computers of visitors to an advertiser's site for the purpose of finding those visitors on other sites where DoubleClick is the ad server ("ad" is short for advertisement). When the same visitors are found on those other sites, additional advertiser's ads are served to them by the DoubleClick ad sever or by the advertiser's ad server following a redirect from the DoubleClick ad server.

The only server that can read a cookie on a user's computer is a server operating under the same domain as the server that placed the cookie on a user's computer to begin with. In other words, a cookie placed by a server operating under one domain cannot be read by another server working under a separate domain. That is why the advertiser cannot expect to place a cookie of its own (e.g., ford.com cookie) on a visitor to its site and then later expect the DoubleClick ad server (doubleclick.com) to be able to recognize the visitor when that visitor is visiting sites where DoubleClick serves ads by reading the ford.com cookies. Only a server operating under the DoubleClick domain can read a cookie placed by a server operating under the DoubleClick domain. So, DoubleClick needs to place a doubleclick.com cookie on visitors to the ford.com site for

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DoubleClick to later find those visitors within other sites, i.e., where the DoubleClick ad server is used to serve ads.

For a site to have its ad served by an ASP-hosted ad server, such as the one operated by DoubleClick, the site needs to redirect visitors from the site to the DoubleClick ad server, to fetch the ad from the server. Following the redirect from the site, the visitor accesses the DoubleClick ad server. Because the DoubleClick server is operating under the DoubleClick domain, it can read the DoubleClick cookie or cookies and then recognize that it encountered the same visitor in the past. In this example, the DoubleClick ad server recognizes the visitor as someone who visited the ford.com site.

AlmondNet, Tacoda, RevenueScience, and other companies (herein "BT companies"; "BT" stands for behavioral targeting) specialize in targeting ads based on observed behavior of sites' visitors. To record a visitor's observed behavior, a BT company places a cookie (or cookies) on the computers of visitors to specific sections of a publisher's website or on the computers of visitors of the publisher who conducted a specific action such as search, click content, click an ad, make a phone call, request information, acquire a product, etc.

The placement of cookies allows those publishers or the BT company itself to sell ads to advertisers. Those ads will be presented to the profiled visitors when they are found later on the same site or on other sites. Such sites can be either a site where the BT company's software is used or a site where the BT company has bought media. The BT company may buy the media on behalf of itself or on behalf of the publisher, who is interested in delivering ads to its audience outside the publisher's site.

Although a BT company (AlmondNet, Tacoda, RevenueScience, etc.) acts as an agent that places cookies on the computers of publisher's visitors for the purpose of delivering targeted ads to the publisher's visitors on other sites, the publisher can work without an agent and place cookies or tags on the computers of the publisher's own visitors for the purpose of delivering ads to those visitors on other sites where the publisher buys ad space. Such a publisher, acting without an agent, is also included in the definition of a BT company.

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A publisher may also be referred to as a "profile supplier" when it transfers profile information, such as behavioral information, demographic information, etc., to a BT company. Therefore, a publisher that is a BT company may also be its own profile supplier. Furthermore, although the name "BT company" implies the targeting of ads is based on collected behavioral profiles, a BT company may also collect other kinds of profile information, such as demographic information or user-provided information, and target ads to those visitors wherever found based on the collected profile information.

Another kind of a BT company is a company that has software installed on a person's computer, such as toolbar software, desktop search software, weather software, or any kind of software that is used by the computer's user. Such software also monitors the computer user's visits to different publishers' sites and media properties and collects profile information about the computer user for the purpose of delivering ads to the user within ad space of sites and media properties that the user visits based on the collected profiles.

A BT company using software installed on a user's computer does not need the cooperation of a visited media property to collect information about the visitor's visit because that software monitors whatever the user is doing on his or her computer. A BT company that has software installed on a user's computer is therefore its own profile supplier. Such software can place a cookie or another kind of tag on the user's computer. Because the software is installed on the user's computer, it can write cookies readable by any domain. That means that the BT company can place a tag or cookie of a second media property, if the BT company would like the second media property to recognize the visitor when the visitor visits that second media property site, by simply having the software place a cookie operating under the domain of the second property on the visitor's computer. The software may also report the collected profiles to a central server of the BT company.

The central server may also tag the visitor or arrange for the visitor to be tagged by operators of other media properties. A BT company can place a cookie on a site's section when a visitor's computer visits that section, if a code of the company was

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integrated into the page of that section by the site that owns the page. The code (e.g., HTML or Java) redirects to the BT company's server all visitors to the page. Also, in the case that the BT company is the publisher itself, the publisher will simply "cookie" (by itself) all visitors that either read a specific content, search, click, ask for information, make a phone call, etc.

The BT company's server, which either gave the site a unique code for a page, received from the page its URL, or received access to the page's content that could be analyzed by the BT company's server, etc., identifies the content read by the page's visitor, the keyword searched for by the user, an ad clicked on the page, a content item clicked on the page, a phone call that was made that was initiated from the page, information that was requested, or a product was acquired, etc. The content read by the page visitor could be identified by the BT company's server whether the content was reported by the site or whether the content was identified following the analysis of the page. The server then places a cookie on the user's computer indicating what content was read by the visitor on the page, what keyword was searched for by the user, or what ad was clicked on the page, etc. The placed cookie indicates that information (1) in the cookie per se, (2) in a central database operated by the server where the cookie ID is used as a record finder, or (3) both in the cookie and in the database.

Although the above description relates to cookies, a cookie is only one example of a possible tag. A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, radio show, or the like, using a computer, a mobile device, a TV set, a TV set top box, or any other device.

The tag is used for the purpose of delivering additional ads to a visitor to one media property when that visitor is found later on other media properties, based on the visitor's profile collected on the first media property. The profile could be the observed behavior of the visitor on the media property, demographic information collected on the media property, profile information provided by the visitor to the media property, etc. The profile could be made available to the other media properties.

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Because the purpose of the tag is to enable the delivery of additional ads on other media properties visited by the visitor, and because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor, including a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space; whether the ad space is owned by that entity, or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space can be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio, etc. An ad space can be a fixed position on a page, or the ad space can be made available by a web site to an ad network (for example) only when the web site did not sell all of the site's ad inventory and therefore wishes to make some of the inventory available to the ad network.

In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

The tag can be placed on the device used by the user to access the first media property where the user's profile was collected (in case of observed behavior, that behavior can be reading a specific content, searching, clicking an ad or content, making

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a phone call, asking for product information, acquiring a product, or taking any other kind of action). A tag placed on the device (1) could be read only by a server operating under the same domain as the server that placed the tag on the device to begin with as in the case of a cookie for example, (2) could be placed on the device when the user visited the first media property, and then the tag can be read by any second media property visited by the visitor, or (3) could be encrypted and, while accessed by any second media property visited by the visitor, the tag could be deciphered only by second media property computers that received the deciphering code from the first media property. In case of a tag placed by software installed on a user's computer, the tag could be whatever the software wants it to be, including a cookie of any domain.

A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database. In the case where the tag identifies the user, the tag might denote the username and password used to access a media property, a user's name and address, a user's e-mail, a user's social security number, or any other personal identifiable information.

As already mentioned, the observed behavior of a visitor to a first media property is referred to as profile information about a specific visitor. A visitor's profile might be enhanced by the visitors' observed behavior on other media properties or by other profile information collected on other media properties.

A visitor's profile can be represented by a unique tag, or the profile can be stored with the tag, whether the tag is placed on the device, on a central database, or both. For example, the profile can be stored within a cookie (tag) on a visitor's device, or the profile can be stored in a central database where the tag connected to the profile is used as a unique identifier of the visitor's device or of the visitor personally. The profile can also be saved on both the device and a central database.

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Some 50% to 80% of the ad space on the Internet is considered difficult to monetize, as it is located next to content that tends to be more generalized, such as general news, web based e-mails, instant messages, music or files downloading sites, and software. Advertisers are not willing to pay a high price for delivering an ad to visitors of such sites, as they do not know how many of those sites' visitors are potential clients for their products and services. By contrast, advertisers prefer the placement of ads on dedicated content sites, such as a travel site. For example, an airline is willing to pay a high price per ad on a travel site, as it knows that the ad will be delivered to people who are currently searching for flying tickets. The same is true for TV, where a significant proportion of the ad space is within TV programs where the audience is heterogeneous. It is also true for radio shows and other kind of media.

Using profiles for the delivery of targeted ads within the above-described low-value ad space can turn the low-value ad space into high-value ad space by delivering ads to users that are based on previously collected profiles of the users, rather than ads that are related to the content on the page they are viewing. For example, a "car insurance" related ad, delivered to a person who yesterday searched for "car insurance" within the ad space of a general news page the person is currently reading, will be much more relevant to the person than an ad related to the general news he or she is reading.

The BT companies are described above as collecting profiles and later delivering ads to the profiled visitors when found on other sites. The ads delivered by the BT company to the profiled visitors are either sold by the BT company, which pays royalties to the profile suppliers that provided it with profiles whenever ads presented to their audience generate revenues, or paid for by a publisher that is interested in delivering ads to its own audience outside its site and is paying the BT company to find its audience on other sites. As described, the publisher might be the BT company itself.

In addition, where the collected profiles are mainly used to deliver targeted ads within low-value ad space that is acquired from low-value ad space owners, and the ads are delivered by the BT company, there is also the opportunity to make the collected profiles available to low-value ad space owners, because, instead of selling

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their low-value ad space to the profile owners, such ad space owners would prefer to monetize their low-value ad space better by themselves, by using the collected profiles to sell targeted ads, delivered to the profiled visitors when found within such low-value ad space.

A low-value ad space owner could be any media property owner, whether it owns a web site, a TV program, a radio show, or any other media property. Also, "low-value" ad space is a relative term. Because ad space prices are usually a function of the content next to the ad space, if a profile-based ad garners a higher price for the ad space owner than an ad based on the adjacent content, then the ad space value is considered "low value" (i.e., in relative terms, relative to the price the ad space will garner if used for delivery of a profile-based ad).

As described, for example, in commonly owned U.S. Patent 6,925,440, (A) profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner) can provide a databank with access to visitors and their profiles, and (B) either (i) the databank enhances its existing profile on a visitor with a profile owner's profile information about the visitor or (ii) a profile owner enhances the profile it has on a visitor with the databank's profile information about the visitor, where the profile information is given in return for royalties paid for every later usage of the profile information for the delivery of targeted ads to the visitor based on the profile (for example).

Although the invention of the '440 Patent provides a media property with additional information about its visitors, several possible challenges arise:

1. If a media property (if acting as a profile owner) wants to enhance the profiles available to it about its visitors and thus contacts a databank and provides it with access to the profiles, the media property might be wasting resources: First, the databank might have no profiles about the media property's visitors. For example, if the databank has no profile about a visitor, the media property would have provided the databank access to the visitor merely to learn that fact. Second, the profiles that the databank does have might be of no use to the media property because its sales force does not sell ads in the category in which the profiles belong. For example, if the

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databank has a profile about the visitor and it is a health-related profile, but the media property's sales force does not sell ads in the health category, the profile available from the databank about that visitor is of no use to the media property.

2. The media property (if acting as a databank) may be given access by a profile owner to many visitors to that profile owner's site for whose profiles the media property has no need, because the media property has no way of monetizing profiles of those kinds. For example, if a media property's sales force specializes in selling ads in the travel and financial services categories, there is no use in providing them with health, auto, and shopping-related profiles. In cases where a large profile owner makes profiles available to a media property, unless the media property has a very large sales force that specializes in selling ads in many different advertising categories, there is a significant probability that the media property will have no use for most of the profiles received.

3. A media property that receives profiles under the system of the '440 Patent described here is committing itself to pay for every usage of a received profile. Because many of the ads (or, depending on the way the profile is transferred, all of the ads) are delivered by the media property after receipt of the profile, it is a challenge for the media property to track usage of the profiles. First, it is not clear which of the visitors (for whom the media owner received profiles) actually visited the media property later on their own accord as opposed to visiting via a redirect, for example from a databank or a profile owner to the media property without the visitor asking for such visit or being aware of it. In the case of a redirect from a databank's server or a profile owner's server, a visitor's browser would simply fetch a 1x1 transparent pixel from the media property's server following the redirect. Second, because it is not clear how many of the profiled visitors will appear later within the ad space of the media property, some tracking of the usage of the profiles by the media property must be established. The problem becomes even more complex when the media property receives the profiles from a databank, because the databank itself aggregates profiles from other profile owners and makes those profiles available to media properties, and it is not clear which of the delivered profiled visitors will visit the media property on their

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own accord (whether for the first time or not). In that circumstance, it is not clear how the databank will know which profile suppliers to compensate for usage of their profiles. The problem is especially complex when the databank has several profile suppliers providing it with profiles in the same category (for example, the databank may have 20 different travel sites, all allowing the databank to tag their visitors as "travel" visitors) and the databank gives to a media property all of the profiles from those profile suppliers within that category.

Although BT companies can collect profiles and deliver ads to the profiled visitors within low-value ad space that they buy from media properties, there remains the need, therefore, to provide collected profiles to media properties that will better monetize their low-value ad space by selling ads based on the profiles and delivering the ads within their ad space to the profiled visitors when those visitors visit the media properties and making a payment for the profiles to the profile owners who provided the profiles.

What is needed generally is a more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement.

SUMMARY OF THE INVENTION

Generally, various aspects of the disclosed embodiments relate to systems and methods for providing collected profiles to media properties, for improved monetization of electronic advertisement placement. The methods have particular importance to media properties that have interests in specific profiles or profiles of a specified category or kind.

The disclosure more specifically relates to an automatic system operated by a profile owner company ("PO company") for identifying media properties interested in having a collected profile made available to them. The automatic system makes the identification by recognizing a collected profile as one that a media property has previously requested or one that is within a category that a media property has

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previously requested. Thereafter, the PO company arranges for the visitor to be tagged with a tag readable by the media property that requested such a profile.

Using information received from the media property, the PO company then records usage of the profile by the media property. When the PO company also acts as a databank, the PO company determines which profile supplier will be credited for the media property's usage of the profile (i.e., the one that provided the databank with the profile that was used) and records the credit.

In one implementation, when a media property uses a profile, the media property transfers the visitor, along with the profile it is using, to the PO company's system, to let the PO company know which kind of profile was used. The media property might transfer the profile along with the visitor only when the media property receives from the PO company more than one kind of profile, because it is unnecessary if the media property receives only one kind of profile.

Because BT companies collect profiles, any BT company (defined above) could act as a PO company and make profiles available to media properties, whether the PO company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a payment. Any profile supplier (defined above) can also be a PO company.

The above summary does not include an exhaustive list of all aspects of the present invention. Indeed, the inventor contemplates that the invention may include all systems and methods that can be practices from all suitable combinations of the various aspects summarized above, as well as those disclosed in the detailed description below and particularly pointed out in the claims. Such combinations have particular advantages not specifically recited in the above summary.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a flow diagram of an exemplary embodiment of a method for transferring collected profiles to media properties having specified interests.

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Figure 2 is a schematic of an exemplary embodiment of entities and associated data flow useful with a method of transferring collected profiles to media properties having specified interests.

DESCRIPTION OF PREFERRED EXEMPLARY EMBODIMENTS

In disclosed embodiments, collected profiles are made available by accepting information about desired profiles or profile categories from a media property, identifying an electronic visitor as fitting into the profile category, and arranging for that visitor to be tagged. Preferred additional aspects of disclosed embodiments include automatically electronically recording electronic visits by tagged visitors to a media property, determining which profile supplier will be credited for the recorded electronic visit, and crediting that profile supplier.

The method includes the following basic steps:

1. A PO company's database 12 records (Fig. 1, 1000) the profiles, or the kind of profiles, a media property (e.g., Fig. 2, MP1) is looking for. The profile could be a behavioral profile, a demographic profile, or any other possible profile. For example, a media property (MP1) could ask for visitors who have searched for "car insurance" on a search engine, visitors who were interested in "travel" (MP1(A)), or visitors who were interested in "autos" (MP1(B)), etc. A media property can communicate to the PO company the profiles for which it is looking via e-mail, electronically, via mail, over the phone, or in any other way.

2. A profile supplier (e.g., Fig. 2, PS1) redirects (Fig. 1, 2000) a visitor 20 to a PO company 10 along with the visitor's profile (Pr1). In case the profile supplier is also the PO company (see visitor 25), this step either does not take place or takes place internally, for example via an internal redirect from one server (see 11) to another server 10 operating under the same domain that belongs to the publisher/PO Company. In case the PO company has software on a user's computer that enables it to monitor the user's visits to media properties without the cooperation of the media properties, this step either does not take place or takes place internally, e.g., by the software on the

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user's computer communicating the collected profile to the PO company's central server.

3. The PO company's server 10 recognizes (3000) the content read by the user, the category to which the content read by the user belongs, the keyword searched for by the user, an ad clicked by the user, or any other action conducted on the page/site by the user (such as click on an item of content or an ad, purchase of a product, request for more information, etc.) during the site visit. The recognizing might be as simple as pulling a keyword for which the visitor searched from a URL used by the profile supplier to redirect the visitor 10 to the PO company, for example. Alternatively, the recognizing might be as simple as recognizing the kind of content read by the visitor by recognizing the URL used by the profile supplier to redirect the visitor to the PO company because the URL is one that the PO company identified to the profile supplier for use when redirecting visitors who read a specific kind of content. Recognizing of content may also be done through a semantic analysis of content of a page read by the visitor.

4. The PO company's server 10 optionally can categorize (4000) specific content read by the user or an action conducted by a user. In some implementations, this step will not take place. An example action might be a search for a keyword. To illustrate, suppose a person searched for an airline ticket to Florida on a travel site. When the PO company receives that information, in addition to recording the search for the flight to Florida in the visitor's profile (whether the profile is stored in the cookie or tag, the PO company's central database 13, or both of those places), the PO company's server 10 may further categorize the person under the "Travel" category and in the "Search for Flights" subcategory of "Travel." In another example, a visitor would be categorized as "searching for an airline ticket" by virtue of having searched for an airline ticket at least three different times within a week, on one media property or several media properties. In that example, if the visitor were to have searched for an airline ticket fewer than three times within a week, the PO company's server 10 will not categorize the visitor as "searching for an airline ticket," because the visitor would be

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considered as less serious about the purchase according to the definition in use by the PO company.

5. The PO company's server 10 identifies (5000) the media properties (e.g., MP1 and MP2) that have asked to receive a visitor having a profile such as the one recognized in step 3 or categorized in step 4 (e.g., a profile of kind "A" in Fig. 2). Thereafter, the PO company arranges (6000) for the visitor (e.g., 20) to be tagged with a tag readable by the identified media property (e.g., MP1 or MP2), which can use the tag to recognize the visitor's profile.

6. Using information 40 received from the media property, the PO company then records (7000) usage of the profile (e.g., Pr(A)) by the media property (e.g., MP2). When the PO company also acts as a databank, the PO company determines which profile supplier (PS1, PS2, … PSn) will be credited for the media property's (e.g., MP2's) usage of the profile and records the credit (e.g., in data store 13).

The PO company's arranging placement of the tag (see step 5 above) can be achieved in different ways:

A. The PO company can redirect (e.g., Pr(X), Pr(Y) in Fig. 2, in cases where media property MPn has expressed interest in those profiles) a visitor to the identified media property with a request to have the identified media property tag the visitor with the media property's own tag, which obviously is readable by the selected media property (such a tag could be a cookie on the visitor's storage device). The tag in this case could be placed by the identified media property following a redirect by the PO company to a specific URL given to the PO company by the media property. The media property would have given the PO company, in this example, different URLs for different kind of profiles, and the PO company would choose the URL for redirecting the visitor to the media property based on the kind of profile recognized.

B. The PO company can itself place a tag (e.g., TagC denoting profile "C" in Fig. 2) that will be readable by the identified media property.

C. The PO company can place an encoded tag that, although accessible by any media property, can be read only by a selected media property to which the PO company gave a deciphering code.

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D. In cases when the PO company has software installed on a user's computer, the BT company can arrange for the software to place a tag readable by the identified media property (such a tag could be a cookie operating under the selected media property domain).

E. The PO company can arrange for the identified media property to place a tag in the identified media property's central database, in which case the tag can uniquely identify (1) the device that the visitor will use to access the identified media (IP address, set-top box ID, mobile phone number, manufacturer serial number, cookie readable by the identified media property, etc.), or (2) the user as a person (personal identifiable information).

The identified media property can use its tag to recognize the profile of the visitor either (1) by virtue of each profile having a unique tag (e.g., TagC denoting profile "C" in Fig. 2), or (2) by virtue of the profile that was received from the PO company having been stored (a) with the tag, (b) in the tag (which can occur with a cookie), (c) in a central database (where the tag is used as the link between the visitor and profile), or (d) in all of those places.

In another possible implementation (not shown), aside from the PO company arranging placement of the tag readable by the identified media property, the PO company sends the profile and a copy of the tag separately to the identified media property, which will store the tag and the profile in its central database, and when the identified media property recognizes the tag on a visitor's computer, for example, it pulls the visitor's profile from its database.

The PO company can make a profile available to a media property using the same methods that profile suppliers use to give their profiles to PO companies.

When an identified media property (e.g., MP2 in Fig. 2) recognizes (at time t2) a tagged visitor (tagged previously, at time t1) within its ad space, the media property will serve an ad 30 to the visitor (e.g., visitor 20) based on the profile provided by the PO company 10. Usually, a profile-based ad will be delivered by the media property when it will generate a higher price for the ad space than other ads available to the media property for placement within the ad space.

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The media properties (a profile supplier and an identified media property) can be of the same kind of media (e.g., two web sites on the Internet) or of different media (e.g., first media property, where the profile is collected, can be a web site on the Internet, and the second media property, to which the profile is given by the PO company, can be a TV channel on TV or a text message system on a mobile phone, etc.). In the case where the second media property operates within a different media than the first media property, the tagging of the visitor with a tag readable by the second media property (which is arranged by the PO company) might include finding the device used by the visitor to access the second media property (the identified media property) by using personal identifiable information about the visitor. As there may be no connection between the device used by the visitor to access the first media property (computer, for example) and the device used by the visitor to access the second (identified) media property (TV, for example) besides the commonality of the user (visitor), personally identifiable information about the visitor could be used to allow the second media property to learn which device the visitor uses to access the second media property and tag the visitor. The second media property could tag the device used by the visitor to access the second media property by placing a tag on the device itself or in a central database of the second media property, for example.

The process of the PO company enabling an identified media property to place a cookie on a visitor's computer for the purpose of finding the visitor later within the ad space of the identified media property is similar to the way DoubleClick's Boomerang system places cookies on visitors to an advertiser site for the purpose of finding those visitors later on other sites where Doubleclick serves ads. That process – where identified media properties place cookies on visitors' computers redirected to them by PO companies – is sometimes referred to as "cookie matching."

For example, following a redirect (not shown) from a server 10 of a PO company #1, weather.com might place a weather.com cookie on a visitor's computer 20 marking the visitor as interested in "travel" (profile category "A") and indicating that the profile originated with PO company #1. Later, if and when the weather.com ad server (MP2) recognizes that the same visitor 20 had happened to visit weather.com's site

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(weather.com can recognize the visitor by reading its own weather.com cookie), the weather.com ad server (MP2) can choose to deliver a travel-related ad 30 to the visitor 20 within the weather.com ad space. The weather.com ad server's decision whether or not to deliver the travel-related ad will usually depend on the price the ad is expected to bring when compared with the price for other ads available for weather.com to display within the same weather.com ad space.

In step 6, the information received by the PO company might be received from the media property electronically 40, via e-mail, in a file on a CD sent by mail, or in any other form. That said, because the goal is to make profiles available to media properties on a large scale, it would be beneficial to demand the least complex approach from media properties. After all, the more complex the tracking system that the media properties must implement to track their usage of profiles, the more difficult it will be for them to use profiles that they do not own.

One implementation – where the media property is required to give only minimal effort to track its usage of profiles – is merely asking a media property to provide the PO company server 10, every time that the media property (MP2) serves an ad based on a profile from the PO company, with access to the visitor 20 viewing an ad 30 based on the PO company's profile (e.g., in TagC). Such access, in that implementation, could be achieved by simply having the media property integrate into every profile-based ad it delivers a 1x1 pixel that will redirect (also denoted by 40 in Fig. 2) the visitor 20, when viewing the ad 30 (at time t2), to the PO company server 10. Such a 1x1 pixel can point to a URL given to the media property by the PO company that is unique to a certain kind or category of profiles (so the PO company could recognize not only the fact that the media property used a profile but also the kind of profile used). The advantage of this implementation is that the PO company is the one that records the profile usage, and the media property does not have to do anything further to keep or transfer records.

In the same implementation, in cases where the PO company has transferred more than one kind of profiles to a media property (for example, profiles "A" indicating interest in travel and profiles "B" indicating interest in autos), the media property can

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send the PO company, along with the access to the visitor viewing an ad, an indication of which profile the media property used to deliver the ad currently being viewed by the visitor. In that implementation, a travel profile will be indicated by the media property's use of a first URL to redirect the visitor to the PO company server, an auto profile will be indicated by the media property's use of a second URL to redirect the visitor to the PO company server, etc. (The different URLs for different kind of profiles would be ones given to the media property by the PO company.)

Because different kind of profiles might have different rates (a travel profile might fetch $2 CPM, auto profiles might fetch $5 CPM, etc.), it is important to know which of the profiles the media property used. Also, if the PO company is acting as a databank, it might have different ways in which it compensates profile suppliers for their collected profiles.

Based on its profile collection and compensation policy, the PO company can decide which profile suppliers to credit for the delivery of a profile-based ad by a media property. For example, the PO company might decide that, for behavioral profiles, time is important, so only the last profile supplier to report a behavioral profile of a visitor (before an ad based on that profile is served to the visitor) will be compensated but any other profile suppliers that provided the same kind of profile information about the same visitor earlier will not be compensated.

The following example illustrates the above-described embodiment. Suppose a visitor 20 searches for airline tickets on three different sites (PS1, PS2, and PSn), and all three sites delivered the visitor 20 to the PO company server 10 along with the information that the visitor searched for an airline ticket. Suppose further that the PO company has recognized that the Yahoo! site (MP2 is Yahoo! this time) is interested in receiving travel ("A") profiles and therefore has redirected (not shown) the visitor 20 to Yahoo! on three different occasions along with the information that the visitor searched for an airline ticket; that is, each time the PO company server 10 itself received access to the visitor 20 following a redirect from a profile supplier (PS1, PS2, or PSn), it immediately redirected the visitor to Yahoo!, because it recognized the visitor 20 as

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interested in "travel" (in this example, according to a definition that recognizes a visitor as interested in "travel" after only one search for an airline ticket).

Later (time t2), when the visitor 20 chooses to visit yahoo.com (MP2) on his or her own accord, Yahoo! recognizes the profiled visitor 20 and delivers a travel-related ad 30 to the visitor 20; however, Yahoo! has that opportunity only after Yahoo! has received the profile about the visitor 20 from the PO company three times. If Yahoo! has integrated into the travel ad 30 delivered to the visitor 20 a 1x1 pixel redirecting the visitor 20 to the PO company, the visitor's browser, when fetching the ad from the Yahoo! ad server (MP2), also approaches the PO company server 10. The PO company server 10 learns, from the URL that the visitor's browser is using to access it, that Yahoo! (MP2) has served a travel-related ad 30 to the visitor 20.

Based on that information, the PO company records (in data store 13) a charge of two tenths of a cent to Yahoo! (in this example, $2 CPM, or $2 per 1,000, is the rate the PO company charges for travel-related ("A") ads delivered based on travel profiles provided by the PO company to a media property).

The PO company stores, as part of the visitor's profile, data indicating which profile suppliers provided profiles about the visitor and the date and time the profiles were supplied. The PO company stores the profile (1) in the tag (a cookie, for example), (2) along the tag, (3) in a central database (e.g., 13), in which case the tag is used as a link between the visitor's computer and the profile information in the database, or (4) in all of those places.

Note that the PO company's tag is different from the identified media property's tag. The PO company's tag is used to uniquely identify a visitor about which the PO company has a profile, where the profile itself includes the profile suppliers that provided the profile, the dates and times they have done so, and possibly other information, all part of the visitor's profile definition. The identified media property's tag is used by the media property to recognize the profile of the visitor.

The PO company uses its own tag to access the visitor profile and learn which profile supplier (PS1, PS2, or PSn) was the last one to supply the travel-related ("A") profile (the visitor's search for airline tickets), which Yahoo! (MP2) used to deliver the

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ad. The PO company then records (also, e.g., in 13) a credit of one tenth of a cent (half of the charge to Yahoo!) to that profile supplier. In this example, a revenue share of 50%-50% between the profile supplier and the PO company is used. If the PO company had agreed with the profile supplier on a 40% revenue share, the profile supplier would have been given a credit of eight hundredths of a cent ($2/1000*40%), or if the profile supplier was promised $0.001 for every use of its profile, the PO company would have recorded a credit of $0.001 to the profile supplier.

In a second illustration, the PO company might decide that a visitor should be considered interested in "travel" only if the visitor searches for airline tickets three different times within a week, on the same site or different sites. In that case, only when the visitor is recognized as interested in "travel" according to that definition will the PO company make the visitor's "travel" profile available to media properties (MP2) interested in "travel" ("A") profiles. In this example, if a first profile supplier PS1 delivers the visitor 20 and the information (Pr1) that the visitor 20 is searching for airline tickets on Sunday, a second profile supplier PS2 delivers the visitor 20 to the PO company 10 on Monday along with the information (Pr2) that the visitor 20 is searching for airline tickets, and the first profile supplier PS1 again delivers the visitor 20 to the PO company 10 on Wednesday along with the information (not shown) that the visitor 20 is searching for airline tickets, then only at that time on Wednesday will the PO company's server 10 recognize the visitor 20 as a "travel" ("A") visitor and redirect (not shown) the visitor's computer 20 to Yahoo! (MP2).

In that second illustration, when Yahoo! (MP2) serves a travel-related ad 30 to the visitor 20 and redirects (40) the visitor 20 to the PO company 10, the PO company might credit (in 13) the first profile supplier PS1 with two thirtieths of a cent ($2/1000*50%*2/3) and the second profile supplier PS2 with one thirtieth of a cent ($2/1000*50%*1/3). In other words, in that illustration, (a) Yahoo! agreed to pay $2 for every thousand travel-related ads delivered based on profiles provided by the PO company, (b) the PO company promised to give profile suppliers half of the revenues the PO company generates from ads delivered by media properties based on the profiles it makes available to them, and (c) the visitor was recognized as interested in

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"travel" thanks to two visits (out of the three visits to travel sites that defined the visitor as interested in "travel") made to the first profile supplier's site and one visit to the second profile supplier's site. Therefore, the first profile supplier is entitled to two thirds of the amount due to the profile suppliers altogether, and the one visit made by the visitor to the second profile supplier's site entitles the second profile supplier to one third of the amount due to the profile suppliers altogether.

Alternatively, the PO company – when making a profile available to a media property by arranging for placement of a tag readable by the identified media property – can add a unique ID to the profile (or to the tag in cases where the tag is used by the media property to recognize the visitor's profile) and ask the media property to report the ID back to the PO company whenever the media property uses the transferred profile. The PO company can use the unique ID to record in its database the profile suppliers that will be entitled to a credit when the media property delivers ads based on the transferred profile. The media property could report 40 to the PO company (at the end of the month, for example) the number of ads it has served, for each unique ID. Because each unique ID represents a kind of profile, the PO company will know what rate it should charge the media property for usage of the profile, and because the unique ID also tells the PO company which profile suppliers should be entitled to a credit for the usage of a profile, the PO company can also credit the deserving profile suppliers.

The media property might pay the PO company for every ad impression delivered based on the received profile or only when an action takes place that is connected to the ad (perhaps occurring on the advertiser's site immediately following a click on the ad or perhaps occurring a few days after viewing the ad or clicking the ad), such as a click on the ad, a registration on the advertiser's site, a request for information, a product acquisition, or the making of a phone call.

Different implementations might be chosen depending on the relative sizes of a profile owner (in terms of number of profiled visitors; note that the profile owner may also be a databank) and a media property (in terms of number of visitors). In cases where the media property has many visitors and is considered to have an extensive

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reach ("reach" is a figure used to express the percentage of the population using a media that visits the media property; for example, Valueclick, a web-based ad network of sites reaches 80% of the US web population), a profile owner might transfer to the media property all visitors within the categories requested by the media property, because the probability of finding a profiled visitor within the media property's ad space is high (in the case of Valueclick, the probability is 80%).

In cases where the media property's reach is not very significant, but the profile owner has a relatively large number of profiles, the media property may choose to make its visitors accessible to the profile owner to check whether the profile owner can enhance the profiles of some of its visitors, in the ad categories of interest to the media property, instead of having the profile owner send all of its visitors in the categories of interest, because, as a result of the media property's low reach, only a small percentage of visitors sent to the media property by the profile owner will later choose to visit the low-reach media property.

PUBLIC NOTICE REGARDING THE SCOPE OF THE INVENTION AND CLAIMS

The inventor considers various elements of the aspects and methods recited in the claims filed with the application as advantageous, perhaps even critical to certain implementations of the invention. However, the inventor regards no particular element as being "essential," except as set forth expressly in any particular claim.

Although the invention has been described in terms of preferred embodiments and generally associated methods, the inventor contemplates that alterations and permutations of the preferred embodiments and methods will become apparent to those skilled in the art upon a reading of the specification and a study of the drawings.

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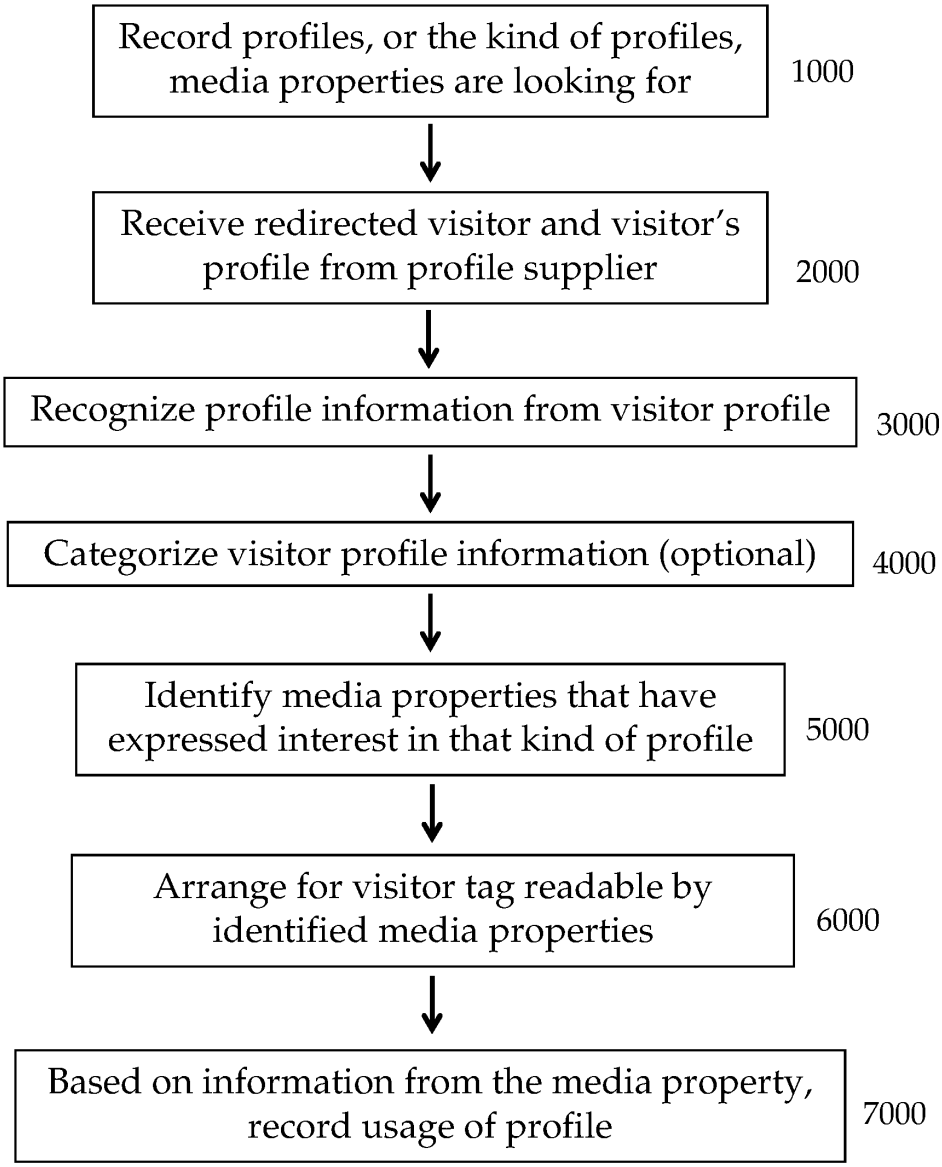

Record profiles, or the kind of profiles, media properties are looking for
1000
Receive redirected visitor and visitor's profile from profile supplier
2000
Recognize profile information from visitor profile
3000
Categorize visitor profile information (optional)
4000
Identify media properties that have expressed interest in that kind of profile
5000
Arrange for visitor tag readable by identified media properties
6000
Based on information from the media property, record usage of profile
7000

FIG. 1

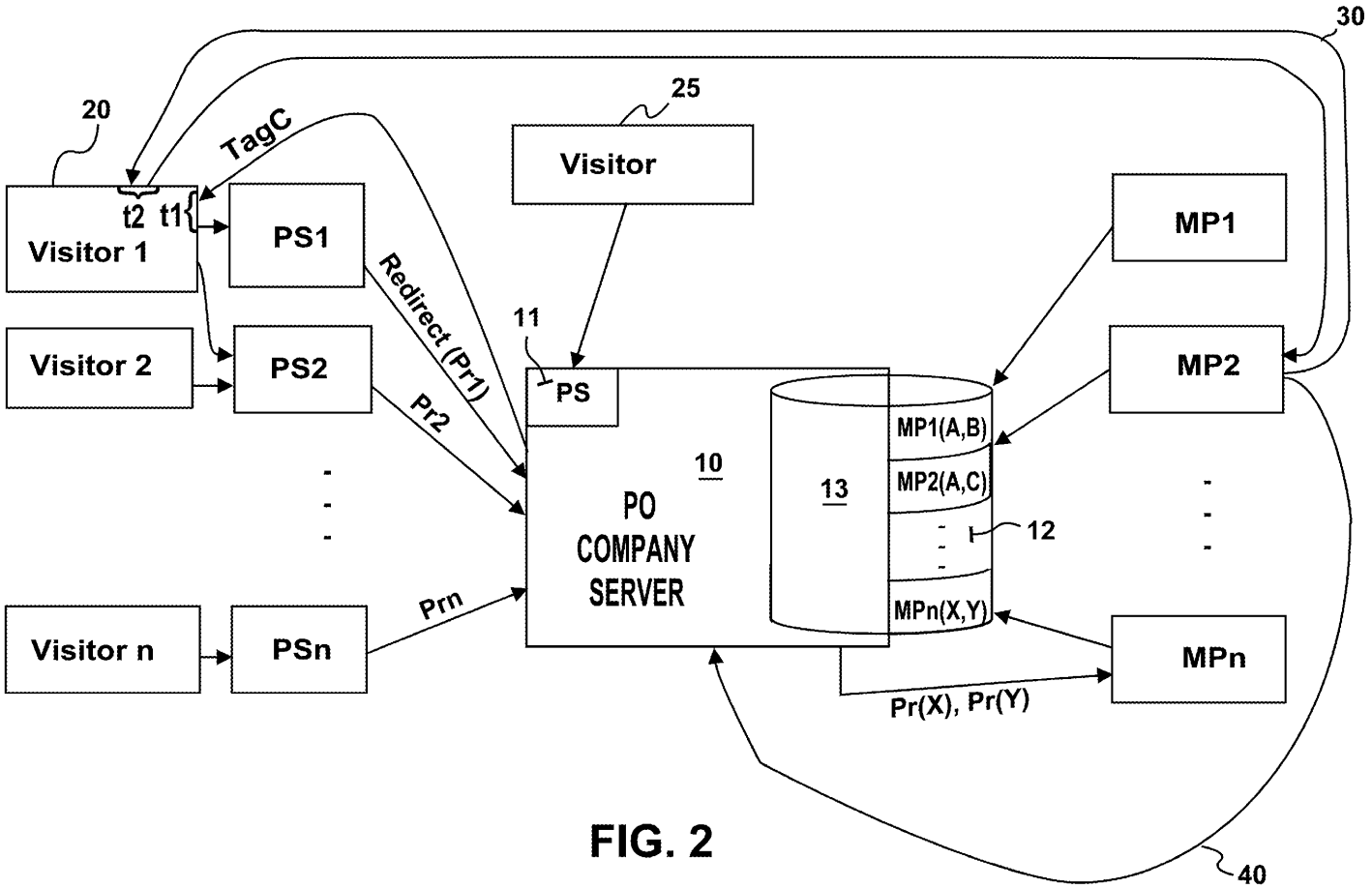

30
20
25
TagC
t2 t1
Visitor 1
PS1
Visitor
MP1
Redirect (Pr1)
11
Visitor 2
PS2
PS
MP2
Pr2
10
MP1(A,B)
MP2(A,C)
13
12
PO
COMPANY
SERVER
Prn
Visitor n
PSn
MPn(X,Y)
MPn
Pr(X), Pr(Y)
40

FIG. 2

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
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Inventor Information:

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Application Information:

Title of the Invention	Providing collected profiles to media properties having specified interests		
Attorney Docket Number	14-PP-CON6	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	2	Suggested Figure for Publication (if any)	2

PTO/AIA/14 (11-15)
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Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Customer Number	26362		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	16425259	2019-05-29

PTO/AIA/14 (11-15)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
16425259	Continuation of	15893354	2018-02-09	10984445	2021-04-20
Prior Application Status	Abandoned				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
15893354	Continuation of	14080999	2013-11-15		
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14080999	Continuation of	13631244	2012-09-28	8589210	2013-11-19
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13631244	Continuation of	11765433	2007-06-19	8280758	2012-10-02
Prior Application Status	Expired				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
11765433	Claims benefit of provisional	60805144	2006-06-19		
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.					Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			Remove
Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.			Add

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

PTO/AIA/14 (11-15)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

PTO/AIA/14 (11-15)
Approved for use through 04/30/2017. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

● Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.	Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name	Datonics, LLC		
Mailing Address Information For Applicant:			
Address 1	37-18 Northern Boulevard, Suite 404		
Address 2			
City	Long Island City	**State/Province**	NY
Country	US	Postal Code	11101
Phone Number	646-867-0647	Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Approved for use through 04/30/2017. OMB 0651-0032
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Remove

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. Add

Signature:

Remove

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Louis J. Hoffman/			Date (YYYY-MM-DD)	2021-08-12
First Name	Louis	Last Name	Hoffman	Registration Number	38918

Additional Signature may be generated within this form by selecting the Add button. Add

PTO/AIA/14 (11-15)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON6
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1 The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3 A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent CooperationTreaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/15 (10-17)
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	14-PP-CON6
First Named Inventor	Shkedi, Roy
Title	Providing collected profiles to media properties having specified interests
Priority Mail Express® Label No.	Filed via EFS-Web

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☐ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 29] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 2]
6. **Inventor's Oath or Declaration** [*Total Pages* ____] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   a. ☐ Newly executed (original or copy)
   b. ☐ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** ** See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PAPERS

10. ☐ **Assignment Papers** (cover sheet & document(s))
    Name of Assignee _____
11. ☐ **37 CFR 3.73(c) Statement** ☐ **Power of Attorney** (*when there is an assignee*)
12. ☐ **English Translation Document** (*if applicable*)
13. ☐ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
14. ☐ **Preliminary Amendment**
15. ☐ **Return Receipt Postcard** (*MPEP § 503*) (*Should be specifically itemized*)
16. ☐ **Certified Copy of Priority Document(s)** (*if foreign priority is claimed*)
17. ☐ **Nonpublication Request** Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
18. ☐ **Other:** _____

***Note**: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS

☑ The address associated with Customer Number: 26362 **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/Louis J. Hoffman/	Date	08/12/2021
Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38,918

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/401,052	08/12/2021		0.00	14-PP-CON6	33	3

CONFIRMATION NO. 9730

FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

OC000000127907048

Date Mailed: 08/25/2021

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

Datonics, LLC, Long Island City, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 16/425,259 05/29/2019 PAT 11093970
which is a CON of 15/893,354 02/09/2018 PAT 10984445
which is a CON of 14/080,999 11/15/2013 ABN
which is a CON of 13/631,244 09/28/2012 PAT 8589210
which is a CON of 11/765,433 06/19/2007 PAT 8280758
which claims benefit of 60/805,144 06/19/2006

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 08/23/2021
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/401,052**
Projected Publication Date: To Be Determined - pending completion of Missing Parts
Non-Publication Request: No
Early Publication Request: No
Title

Providing collected profiles to media properties having specified interests

Preliminary Class

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 17/401,052

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	320
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	700
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	800
TOTAL CLAIMS (37 CFR 1.16(i))	33 minus 20 =	* 13			OR	x 100 =	1300
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 480 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	3120

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6

CONFIRMATION NO. 9730

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

FORMALITIES LETTER



Date Mailed: 08/25/2021

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Additional claim fees of $ **1300** as an undiscounted entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.
  The surcharge is due for any one of:
  - late submission of the basic filing fee, search fee, or examination fee,
  - late submission of inventor's oath or declaration,
  - filing an application that does not contain at least one claim on filing, or
  - submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- $ **320** basic filing fee.
- $ **160** surcharge.
- $ **700** search fee.
- $ **800** examination fee.
- $ **1300** for **13** total claims over 20.

- $(**0**) previous unapplied payment amount.
- $ **3280** TOTAL FEE BALANCE DUE.

Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
  Roy Shkedi

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/ytdemisse/

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PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Providing collected profiles to media properties having specified interests

As the below named inventor, I hereby declare that:

This declaration is directed to:

- [■] The attached application, or
- [ ] United States application or PCT international application number _____

filed on _____.

The above-identified application was made or authorized to be made by me.

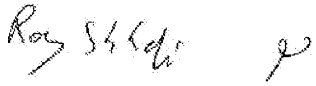
I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Roy Shkedi  Date (Optional): 11/13/2013

Signature: _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Remarks

The amendment to revise the section on page 1 of the specification describing the related applications makes the first sentence of the specification conform with the Application Data Sheet filed on the application filing date. *See* Filing Receipt dated 8/25/2021.

New claims 34-51 are presented. No extra claims fees are due. Only claim 34 is in independent format.

New claim 34 seeks to cover a variant of subject matter recited in claim 1 of grandparent U.S. Patent 10,984,445, which issued from the application Serial No. 15/893,354 after applicant successfully appealed, and after the art unit and group considered but declined to repeat the same art rejection or to enter further rejections. A comparison of new claim 34 and grandparent claim 1 is presented below for the examiner's convenience of review. Consonant with the grandparent and parent, only method claims are presented.

In general (and without purporting to describe all claim limitations), issued claim 1 of grandparent U.S. Patent 10,984,445 refers to certain advances relating to a computer system (operated by a "media property entity") that is selected by a "profile owner" computer based on comparison of profile information about a visitor (who electronically accessed electronic apparatus of a profile supplier) with stored requests from media property entities. When selected, the computer system receives from the profile owner computer indicia of profile information, which the computer system stores. Later, the computer system accesses the profile information using a tag and causes delivery of a targeted advertisement to the visitor.

Pending Claim 34 carries forward the above-described limitations but now presents a specific case where "personally identifiable information" is used to identify a *second* device of the same visitor, because the "computer system" causes delivery of an advertisement to a *different* visitor device from the visitor device that accessed the

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"profile supplier." Because applicant has carried forward claim limitations that the examiner previously approved as distinguishing the prior art, the reasons for allowance in the grandparent application, and also the immediate parent application, should apply to this claim as well. In addition, the new claim contains further limitations adding other distinctions, so additional reasons for allowance exist.

In particular, the common specification recites at page 16, lines 1-18 (emphasis added):

> "The media properties (a profile supplier and an identified media property) can be of the same kind of media (e.g., two web sites on the Internet) or of different media (e.g., first media property, where the profile is collected, can be a web site on the Internet, and the second media property, to which the profile is given by the PO company, can be a TV channel on TV or a text message system on a mobile phone, etc.). In the case where the second media property operates within a different media than the first media property, **the tagging of the visitor with a tag readable by the second media property (which is arranged by the PO company) might include finding the device used by the visitor to access the second media property (the identified media property) by using personal identifiable information about the visitor. As there may be no connection between the device used by the visitor to access the first media property (computer, for example) and the device used by the visitor to access the second (identified) media property (TV, for example) besides the commonality of the user (visitor), personally identifiable information about the visitor could be used to allow the second media property to learn which device the visitor uses to access the second media property and tag the visitor. The second media property could tag the device used by the visitor to access the second**

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media property by placing a tag on the device itself or **in a central database of the second media property**, for example."

The following redline version compares pending claim 34 to claim 1 of grandparent U.S. Patent 10,984,445, for the examiner's convenience:

~~U.S. Patent 10,984,445, claim 1.~~ 34. A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a ~~central~~ database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system~~, wherein a tag associated with a visitor device serves as a link to the profile information associated with the visitor~~;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic ~~storage~~ delivery of a requested profile ~~linked to the tag that is associated with the visitor device, the tag being readable by~~ to equipment that is part of the computer system of part (a); ~~and~~

(c) identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) using personally identifiable information about the visitor, wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database; and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part ~~(a)~~(c) that is associated with the second visitor device to access the profile information stored in the ~~central~~ database, and (ii) using the profile information linked to the tag of part ~~(a)~~(c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

Consonant with the teaching of the above-quoted portion of the specification:

1. Claim 34, part (b) has been modified, as compared to issued claim 1, to specify with particularity that the visitor accessed the profile supplier apparatus using a *first* visitor device—the above-quoted specification refers to "the device used by the visitor to access the first media property (computer, for example)";
2. Claim 34, part (c) has been added to the issued claim 1 to refer to a "*second* visitor device of the [same] visitor"—the above-quoted specification refers to

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"the device used by the visitor to access the second (identified) media property (TV, for example)";

3. Claim 34, part (c) further specifies identifying that second visitor device of the visitor using personally identifiable information about the visitor—the above-quoted specification refers to "personally identifiable information about the visitor could be used to allow the second media property to learn which device the visitor uses to access the second media property"; and
4. Claim 34, part (d) has been modified, as compared to issued claim 1, to specify causing delivery of the targeted electronic advertisement to the *second* visitor device.

Also, the limitations related to the tag, in effect, are moved from parts (a) and (b)(ii) in the issued claim, to the end of last "wherein" clause of part (c). Those changes conform with the above-quoted specification passage, which specifies that the tag identifies the *second* visitor device. Accordingly, references to the tag are removed from parts (a) and (b), which relate to profile information derived from the *first* device, and parallel reference to the tag are included in part (c), which introduces the *second* visitor device. Claim 34, part (d) then refers to the tag of part (c).

In addition to the many limitations remaining in claim 34 from the issued claim (noted above), and in addition to the claim language added on the basis of the above-quoted specification to refer to the two-device scenario, applicant has made two further voluntary amendments, in the nature of language clean-up, for added clarity, for breadth, or to conform with antecedent basis. Specifically:

- Applicant has removed from parts (a) and (c) the unnecessary word "central."
- In part (b)(ii) of claim 34, compared to the issued claim, applicant has changed "arrange for electronic storage" of the profile to "electronic delivery … to" equipment of the computer system of part (a), because the

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word "delivery" corresponds directly to the word "receipt" used in part (a) of claim 34.

Applicant does not provide a redlined comparison for dependent claims, but support should be apparent for each of those claims.

Applicant believes that this application is in condition for prompt allowance. The following remarks should assist in facilitating easy review.

First, as explained in parent cases, including in connection with the appeal, the claims continue to use the following terms, and support is identified by referring to the specification in *page:line* form. Applicant requests that the examiner note the following explanations of the terms:

(1) **Profile owner/profile supplier.** "Profile owners … either own profiles or have the right to resell the profiles." 8:12-14. A profile owner may own the profile by virtue of automatically recognizing some activity of the user during the user's visit to the profile owner's own website, 3:18-21, such as a search in a search engine on the website or a click by the user in a particular location, 4:11-12, 13:3-9. A profile owner also may obtain access to the user's profile because the user accessed the website of a "profile supplier" (*see generally* 2:10-3:27), which in one embodiment may redirect the visitor to the profile owner. Fig. 1:2000; Fig. 2:11 & Pr1; 12:22-13:2. The profile owner optionally may categorize the user's action into one of a number of predefined categories. 13:16-27. Thus, as the examiner observed in parent cases, a profile owner and a profile supplier may be the same entity.

(2) **Media property.** The Board determined that "media property entity" and "media property equipment" are terms that are "distinct and not synonymous." Appeal 2020-00121, Decision 9/21/2020. A "media property entity" is an entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 17-18. Examples of "media property entities" include companies operating websites or ad network companies that have access to a website's

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ad space. 5:5-6. "Media property equipment" is any equipment that controls an ad space viewed by a visitor, at least temporarily. 5:1-27; CBM2017-00059, Non-Institution Decision, Paper 7, at 4 (Nov. 30, 2017). Examples of ad space listed in the specification include "a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels …, a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space." The specification also says, "In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily."

(3) Profile information. Any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral). *See also* 3:2 (profile information can be stored in a tag or in a central database or both); 6:25-30. However, the claims as amended refer to profile information provided from a profile owner to a media property entity being stored in a database.

(4) Tag. Any unique identifier (e.g., a cookie) used to mark a person electronically visiting a media property (such as a web site, TV channel, or the like) using any device. 4:19-23 (a tag can identify either a person or a person's device; a tag may be placed on a user device or in a central database); 6:11-17 (a tag may represent or be connected to the profile); 6:25, 28. However, the claims as amended refer to tags identifying a user device.

The currently claimed invention has significant advantages by virtue of a technological arrangement wherein a selected media property entity, which has expressed interest in a profile or type of profile, can receive profile data, specifically from the specially programmed profile-owner computer, which obtained the profile data by virtue of a visitor who electronically accessed equipment of a profile supplier through a first device, with the *hope* that the selected media property's equipment will encounter a *different* device of the same visitor *later* and then have the opportunity to

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cause delivery of a targeted ad based on the *previously* received profile information. If so, when the second visitor device becomes available to receive an advertisement, the media property, later, can use a tag to access first-device profile data from a database and use it to cause delivery of a targeted ad to the second visitor's device.

The current invention provides a technical solution that assists in overcoming certain difficulties explained in the specification or at least improving the situation. As explained in applicant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, addressed by the current invention, including the problem of websites monetizing general-content ad space when receiving categories of profiles that they could not use. Previous techniques would require specific negotiations between an ad-displaying website and a number of different referring websites, exchange of technical information to make any tagging possible, and constant updating as a website instituted new ad campaigns or finished running a campaign. Such a cumbersome contracting and technical-updating process prevented referring websites from being positioned to cause tags to be added timely.

Also as the specification explains, worse, the prior art did not seem to allow such media property entities to deliver specifically a *subset* of users that it wished to target, and as a result the media property would end up delivering the ad to some "unwanted" visitors as a result of broader audience than desired being tagged.

Accordingly, obtaining a targeted audience was difficult *technically* to achieve, balancing the need for enough visitor volume against the desire to avoid excess visitors; known prior art techniques did not provide a way, technically and practically, for a media property entity to obtain a desired audience of both a sufficient size and a targeted type.

Another problem is that previous systems could not easily use profile information from one device to deliver ads to another device of the same user.

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The unconventional system described by the pending claims assists in solving those problems. It allows media property entities to specify a desired audience to a "profile owner" that has access to users on account of their visit using a first visitor device to a "profile supplier," and the media property entity can cooperate with the "profile owner" to identify a subset making up their desired audience by arranging for delivery of a requested profile. The system also contemplates the media property using personally identifiable information to identify a second visitor device of the same visitor, so that a tag can identify that second device and link to the profile information from the first device. Such techniques allow media property entities access to the desired audience, without too many too broadly targeted visitors, avoid the need for custom negotiations with and technical assistance to multiple profile suppliers, allow ad campaigns to start timely, and permit scalability. Such techniques also allow targeting an ad to a second device based on profile information derived from the visitor's use of a first device.

Applicant transmits the oath of the inventor, specifically a copy from a prior application per 37 CFR 1.63(d)(1).

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: December 26, 2021

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane, Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

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IN THE CLAIMS:

Please amend the claims as follows:

1 - 33 (Canceled)

34. (New) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);

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(c) identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) using personally identifiable information about the visitor, wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database; and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (c) that is associated with the second visitor device to access the profile information stored in the database, and (ii) using the profile information linked to the tag of part (c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

35. (New) The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor.

36. (New) The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor, and wherein the profile information is derived from the visitor's activity using the computer of the visitor.

37. (New) The method of claim 36 wherein the tag identifies the mobile phone.

38. (New) The method of claim 36 wherein the profile owner computer is programmed to automatically select a media property entity using the profile information about the visitor derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile owner computer as a result of a URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

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39. (New) The method of claim 34 wherein the second visitor device is a computer and further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

40. (New) The method of claim 39 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

41. (New) The method of claim 34 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner company controlling the profile owner computer.

42. (New) The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

43. (New) The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

44. (New) The method of claim 43 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

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45. (New) The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

46. (New) The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic delivery of a requested profile comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected entity to place the first visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a database associated with the computer equipment of the selected entity, of the profile information.

47. (New) The method of claim 46 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

48. (New) The method of claim 47 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

49. (New) The method of claim 48 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

50. (New) The method of claim 49 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a

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website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

51. (New) The method of claim 34 (i) wherein the electronic apparatus of the profile supplier operates in the Internet, (ii) wherein the second visitor device is a television of the visitor, and (iii) wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the television of the visitor.

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Amendments

IN THE SPECIFICATION:

In the "Cross Reference to Related Applications" section on page 1:

Please amend the paragraph after the header as follows:

This application is a continuation of Serial No. 16/425,259, filed May 29, 2019, now U.S. Patent 11,093,970, which is a continuation of Serial No. 15/893,354, filed February 9, 2018, now U.S. Patent 10,984,445, which is a continuation of Serial No. 14/080,999, filed November 15, 2013, now abandoned, which is a continuation of Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006, which is incorporated herein by reference.

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Exhibit 1009
Page 65

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	_____
Serial No.	:	17/401,052	Examiner	:	_____
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on December 26, 2021

RESPONSE TO FORMALITIES LETTER

Dear Sir:

In response to the Notice of Missing Parts dated August 25, 2021, assignee/applicant requests entry of the following amendments and consideration of the following remarks.

Amendments to the Specification are on page 2.

Amendments to the Claims begin on page 3.

Remarks begin on page 8.

The following fees are submitted concurrently:

Statutory basic filing fee – $320.00

Search fee – $700.00

Examination fee – $800.00

Surcharge under 37 C.F.R. § 1.16(f) - $160.00

Fee for the requested 2-month extension of time - $640.00

TOTAL FEES = $2,620.00

Electronic Acknowledgement Receipt	
EFS ID:	44608246
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman
Filer Authorized By:	
Attorney Docket Number:	14-PP-CON6
Receipt Date:	26-DEC-2021
Filing Date:	12-AUG-2021
Time Stamp:	15:53:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$2620
RAM confirmation Number	E2021BPF54561027
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		21-12-26-DAT-PP_CON6-RespNtcMissParts.pdf	173109 6c27d018919eae65acc72fa2aceb1d6cb8283106	yes	16

Multipart Description/PDF files in .zip description

Document Description	Start	End
Applicant Response to Pre-Exam Formalities Notice	1	1
Specification	2	2
Claims	3	7
Applicant Arguments/Remarks Made in an Amendment	8	16

Warnings:

Information:

2	Oath or Declaration filed	13-11-13-Datonics-PP-CON3-Declaration_signed.pdf	156290 816f76bbe0b569b32483b222b45a731ae856c55a	no	1

Warnings:

Information:

3	Transmittal Letter	21-12-26-DAT-PP_CON6-IDSCover.pdf	70383 f130b63189ce4ad220fd8321fab9ad0126374e4b	no	1

Warnings:

Information:

4	Information Disclosure Statement (IDS) Form (SB08)	21-12-26-DAT-PP_CON6-IDS_1449.pdf	181797 83c6d50f18eeb1efeeba312c1d3f3068d646e964	no	17

Warnings:

Information:

This is not an USPTO supplied IDS fillable form

5	Fee Worksheet (SB06)	fee-info.pdf	49207 dde96f99911c84c89e8a833f909dd8ee26fb 6557	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	630786	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal

Application Number:	17401052
Filing Date:	12-Aug-2021
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	320	320
UTILITY SEARCH FEE	1111	1	700	700
UTILITY EXAMINATION FEE	1311	1	800	800
Pages:				
Claims:				
Miscellaneous-Filing:				
LATE FILING FEE FOR OATH OR DECLARATION	1051	1	160	160
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with $0 paid	1252	1	640	640
Miscellaneous:				
		Total in USD ($)		**2620**

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Page 1 of 17

Serial No.: 17/401,052
Applicant: Shkedi, Roy
Filed: 08/12/2021
Art Unit: _____
Examiner: _____
Docket No.: 14-PP-CON6
Conf. No.: 9730

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Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	1	5220655	06/15/1993	Tsutsui
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Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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Conf. No.: 9730

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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Docket No.: 14-PP-CON6
Conf. No.: 9730

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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Serial No.: 17/401,052
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Docket No.: 14-PP-CON6
Conf. No.: 9730

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	_____
Serial No.	:	17/401,052	Examiner	:	_____
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title		Providing collected profiles to media properties having specified interests			

Commissioner for Patents
Alexandria, VA 22313-1450

Filed via EFS-Web on December 26, 2021

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses the references listed on form PTO-1449 filed with this document. All foreign and non-patent references listed were cited in parent application Serial No. 16/425,259, therefore copies of those references are not included here. Applicant also directs the examiner to the applications listed in the table below, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
17/401,078	08/12/2021	12/31/2007
17/390,211	07/30/2021	08/03/2011 (prov.)
17/097,865	11/13/2020	06/16/2006 (prov.)
17/092,651	11/09/2020	01/30/2013
16/925,655	07/10/2020	04/17/2007

Respectfully submitted,

DATONICS, LLC
by its attorney

Dated: December 26, 2021

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
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Electronic Acknowledgement Receipt	
EFS ID:	44625705
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman
Filer Authorized By:	
Attorney Docket Number:	14-PP-CON6
Receipt Date:	28-DEC-2021
Filing Date:	12-AUG-2021
Time Stamp:	17:47:48
Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	21-12-28-DAT-PP-CON6-POA-signed.pdf	322263 ff3d13e93359bb9fefe5368a7a66a150f0464ee5	no	2

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/81 (01-09)
Approved for use through 03/31/2021. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	17/401,052
Filing Date	08/12/2021
First Named Inventor	Shkedi, Roy
Title	Providing collected profiles to media properties having specified interests
Art Unit	-----
Examiner Name	-----
Attorney Docket Number	14-PP-CON6

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 26362

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature		Date	12/28/2021
Name	Michael Benedek	Telephone	646-867-0647
Title and Company	CEO of Datonics, LLC		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requiresthat you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements ofthe Act, please be advised that: (1) the general authority for the collection ofthis information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office isto process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment ofthe appl ication or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/401,052	08/12/2021		1980	14-PP-CON6	18	1

CONFIRMATION NO. 9730

UPDATED FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

OC000000130718493

Date Mailed: 12/28/2021

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

Datonics, LLC, Long Island City, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 16/425,259 05/29/2019 PAT 11093970
which is a CON of 15/893,354 02/09/2018 PAT 10984445
which is a CON of 14/080,999 11/15/2013 ABN
which is a CON of 13/631,244 09/28/2012 PAT 8589210
which is a CON of 11/765,433 06/19/2007 PAT 8280758
which claims benefit of 60/805,144 06/19/2006

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 08/23/2021
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/401,052**
Projected Publication Date: 04/07/2022
Non-Publication Request: No
Early Publication Request: No
Title

Providing collected profiles to media properties having specified interests

Preliminary Class

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Exhibit 1009
Page 95

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 17/401,052

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	320
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	700
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	800
TOTAL CLAIMS (37 CFR 1.16(i))	18 minus 20 =	*			OR	x 100 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*				x 480 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1820

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

Electronic Acknowledgement Receipt	
EFS ID:	44645999
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	30-DEC-2021
Filing Date:	12-AUG-2021
Time Stamp:	19:40:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	21-12-30-PP-CON6-SUPP-IDS.pdf	446693 d517458bb1af206a43fe121654ecbed1742 5907b	no	4

Warnings:

Information:	
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Total Files Size (in bytes):	446693

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Roy Shkedi
	Art Unit	
	Examiner Name	
	Attorney Docket Number	DAT-PP_CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	10984445		04-20-2021	Shkedi	
If you wish to add additional U.S. Patent citation information please click the Add button.						

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					
If you wish to add additional U.S. Published Application citation information please click the Add button.						

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Roy Shkedi
	Art Unit	
	Examiner Name	
	Attorney Docket Number	DAT-PP_CON6

	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Roy Shkedi
	Art Unit	
	Examiner Name	
	Attorney Docket Number	DAT-PP_CON6

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2021-12-30
Name/Print	Louis J. Hoffman	Registration Number	38,918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6

CONFIRMATION NO. 9730

POA ACCEPTANCE LETTER

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

OC000000130780424

Date Mailed: 01/03/2022

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2021.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/nbekele/

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6

CONFIRMATION NO. 9730

PUBLICATION NOTICE

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

OC000000133016848

Title: Providing collected profiles to media properties having specified interests

Publication No.US-2022-0108352-A1
Publication Date:04/07/2022

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently https://portal.uspto.gov/pair/PublicPair. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Electronic Acknowledgement Receipt	
EFS ID:	46183298
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	13-JUL-2022
Filing Date:	12-AUG-2021
Time Stamp:	16:57:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Non Patent Literature	Zeff_Aronson_1999-tiff-reduced.pdf	12535731 9674756800469e757c9583d152f1fe3a58ebe9dd	no	156
Warnings:					

Information:					
2	Non Patent Literature	Tittel-FILE.pdf	4903399 352ec8dde3c6ec6ba4176f97313040e33fce27b5	no	60
Warnings:					
Information:					
3	Non Patent Literature	Miller_Excerpts-FILE.pdf	5671594 a0fca19a0d0fea6197ceb453b26a60ef624e6593	no	53
Warnings:					
Information:					
4	Non Patent Literature	Dara-Abrams-FILE.pdf	12774107 f8cb79ef2ec13c4f4d0f980d84083754c4d1aacb	no	38
Warnings:					
Information:					
5	Non Patent Literature	Fletcher-P1-FILE.pdf	22366783 214865ff22bf0f9fa9bf8e517d536c1e14fe0b74	no	30
Warnings:					
Information:					
6	Non Patent Literature	Fletcher-P2-FILE.pdf	20766228 8d4fecbd657108ca1b08efac3216ac59201ba33a	no	21
Warnings:					
Information:					
7	Non Patent Literature	NPL-Excerpts-Microsoft-Computer-Dictionary.pdf	3056697 8fb4eef578841f97835ebc1677494b63992de7db	no	5
Warnings:					
Information:					
8	Non Patent Literature	Zeff-1997-FILE.pdf	10333664 57e6fcfe9090ccde12d88f3b919ff4456b36c8af	no	135
Warnings:					
Information:					

9	Transmittal Letter	22-07-13-PP-CON6-IDS_Cover.pdf	480321 7890f7a741c1bfa0ea725f43fe044abe3657eda5	no	2
Warnings:					
Information:					
10	Information Disclosure Statement (IDS) Form (SB08)	22-07-13-PP-CON6-Supp-IDS.pdf	470465 2c73e95dee39c910bb76e472e738ef3cf93aa16e	no	5
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
			Total Files Size (in bytes):	93358989	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7958224		2011-06-07	Amjadi	
	2	6034689		2000-03-07	White et al.	
	3	7899862		2011-03-01	Appelman at al.	
	4	7843923		11/30/2010	Baum	
	5	8131271		09/04/2008	Ramer et al.	
	6	6915271		07/05/2005	Meyer et al.	
	7	7251628		07/31/2007	Edlund et al.	
	8	5835896		11/10/1998	Fisher et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

	9	11301898		04/12/2022	Shkedi	
	10	11303973		04/12/2022	Shkedi	
	11	11368763		03/10/2022	Shkedi et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20070157247		07/05/2005	Cordray et al.	
	2					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

	1	Zeff & Aronson, Advertising on the Internet (2d ed. 1999); Chapters 1, 4, 7, 9, 10	☐
	2	Tittel et al., HTML 4 for Dummies (2d ed. 1999); Introduction, Chapters 1, 6	☐
	3	Miller, Michael "Building Really Annoying Websites" (2001); Chapter 5	☐
	4	Dara-Abrams et al., Supporting Web Servers (2001); Chapter 8	☐
	5	Fletcher et al., Practical Web Traffic Analysis: Standard, Privacy, Techniques, Results (2002); Chapters 1 and 3	☐
	6	Microsoft Computer Dictionary (5th ed. 2002); pp. vii-viii, 444	☐
	7	Zeff & Aronson, Advertising on the Internet (1997); Chapter 8	☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2022-07-13
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on July 13, 2022

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO-1449. Assignee submits herewith copies of all NPL references that were not previously cited in this application.

Also, assignee wishes to direct the examiner to the co-pending applications and proceedings in the table below, as well as the references cited in those proceedings. All listed applications and the listed patent share the same first inventor

Serial No.	Filing Date	Earliest Parent Filing Date
17/714,965	04/06/2022	04/17/2007
17/092,651	11/09/2020	01/30/2013
17/714,936	04/06/2022	06/16/2006 (prov.)
17/843,311	06/17/2022	08/03/2011 (prov.)
17/401,078	08/12/2021	12/31/2007
IPR2022-01064	05/31/2022	N/A – re: USP 9,830,615 (same family as SN 17/714,936, above)

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: July 13, 2022

/Louis J. Hoffman/
Louis J. Hoffman, Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt	
EFS ID:	46318988
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	01-AUG-2022
Filing Date:	12-AUG-2021
Time Stamp:	23:22:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	22-08-01-PP-CON6-SUPP-IDS.pdf	470506 811fd3200440f500694a47ee2443ca07242ff52e	no	5

Warnings:

Information:					
This is not an USPTO supplied IDS fillable form					
2	Transmittal Letter	22-08-01-PP-CON6-IDS_Cover.pdf	480511 5f26d1b2a23d8c5fdfd3c7659ce541b0cf1d463e	no	2
Warnings:					
Information:					
3	Non Patent Literature	Zeff_Aronson_1999-Chapters_2and6-reduced.pdf	6018383 e34e6199a690e6c4d3fecdf384f78c1d393c23b2	no	81
Warnings:					
Information:					
		Total Files Size (in bytes):	6969400		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7299195		2007-11-20	Tawakol et al.	
	2	7822636		2010-10-06	Ferber et al.	
	3	7899801		2011-03-01	Bronson et al.	
	4	7805332		2010-09-28	Wilson	
	5	7894448		2011-02-22	Lillibridge et al.	
	6	6490601		2002-12-03	Markus et al.	
	7	8040819		2011-10-18	Harrington et al.	
	8	7039699		2006-05-02	Narin et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

	9	11282105		2022-03-22	Shkedi et al.	
If you wish to add additional U.S. Patent citation information please click the Add button.						
U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20060069616		2006-03-30	Bau	
	2	20040215515		2004-10-28	Perry	
	3	20050086109		2005-04-21	McFadden et al.	
	4	20070061331		2007-03-15	Ramer et al.	
	5	20010020242		2001-09-06	Gupta et al.	
	6	20070260514		2007-11-08	Burdick et al.	
	7	20040107287		2004-06-03	Ananda et al	
	8	20020116313		2002-08-22	Detering	
If you wish to add additional U.S. Published Application citation information please click the Add button.						

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Robbin Zeff & Brad Aronson, Advertising on the Internet (2d ed. 1999) ("Zeff"); chapters 2 and 6	☐
If you wish to add additional non-patent literature document citation information please click the Add button			

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2022-08-01
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on August 1, 2022

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO-1449. Assignee submits herewith copies of all NPL references that were not previously cited in this application.

Also, assignee wishes to direct the examiner to the co-pending applications and proceedings in the table below, as well as the references cited in those proceedings. All listed applications and the listed patent share the same first inventor

Serial No.	Filing Date	Earliest Parent Filing Date
17/877,870	07/29/2022	04/17/2007
17/699,297	03/21/2022	08/28/2020 (prov)
IPR2022-01319	7/26/2022	N/A – re: USP 8,671,139 (same family as SN 17/714,936, above)
IPR2022-01324	7/26/2022	N/A – re: USP 9,830,615 (same family as SN 17/714,936, above)
IPR2022-01259	7/19/2022	N/A – re: USP 8,200,822 (same family as SN 17/714,936, above)

IPR2022-01262	7/15/2022	N/A – re: USP 8,671,139 (same family as SN 17/714,936, above)

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: August 1, 2022

/Louis J. Hoffman/
Louis J. Hoffman, Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt

EFS ID:	46667752
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	21-SEP-2022
Filing Date:	12-AUG-2021
Time Stamp:	21:43:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	22-09-21-PP-CON6-SUPP-IDS.pdf	466751 3aedfb62146a300e86582de27a5cdd8b5e3e9165	no	4

Warnings:

Information:					
This is not an USPTO supplied IDS fillable form					
2	Transmittal Letter	22-09-21-PP-CON6-IDS_Cover.pdf	479361 7403dd0ee99440f182a48a9479eb3894e040f31c	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	946112	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	9110903		08/18/2005	Martinez et al.	
	2	6285987		09/04/2001	Roth	
	3	8566154		10/22/2013	Merriman et al.	
If you wish to add additional U.S. Patent citation information please click the Add button.						

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20080120178		05/22/2008	Martinez et al.	
If you wish to add additional U.S. Published Application citation information please click the Add button.						

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

If you wish to add additional Foreign Patent Document citation information please click the Add button			
NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐
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EXAMINER SIGNATURE			
Examiner Signature		Date Considered	

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	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

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☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2022-09-21
Name/Print	Louis J. Hoffman	Registration Number	38918

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on Sept. 21, 2022

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO/SB/08.

Also, assignee wishes to direct the examiner to the co-pending proceedings in the table below, as well as the references cited in those proceedings. The listed patents share the same first inventor

Serial No.	Filing Date	Patent Challenged
IPR2022-01480	09/01/2022	USP 8,959,146 (same family as SN 17/714,936, previously cited)
IPR2022-01481	09/02/2022	USP 8,508,089 (same family as SN 17/714,936, previously cited)

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: Sept. 21, 2022

/Louis J. Hoffman/
Louis J. Hoffman, Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

Amazon/AlmondNet
Exhibit 1009
Page 132

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

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/M.J.S./	1	9110903		08/18/2005	Martinez et al.	
/M.J.S./	2	6285987		09/04/2001	Roth	
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U.S.PATENT APPLICATION PUBLICATIONS						
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/M.J.S./	1	20080120178		05/22/2008	Martinez et al.	
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	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/MICHAEL J SITTNER/	Date Considered	10/11/2022

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Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2022-09-21
Name/Print	Louis J. Hoffman	Registration Number	38918

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	17401052
Filing Date	2021-08-12
First Named Inventor	Roy Shkedi
Art Unit	
Examiner Name	
Attorney Docket Number	DAT-PP_CON6

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/M.J.S./	1	10984445		04-20-2021	Shkedi	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	First Named Inventor	Roy Shkedi
	Art Unit	
	Examiner Name	
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	First Named Inventor	Roy Shkedi
	Art Unit	
	Examiner Name	
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CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

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SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2021-12-30
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Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Page 1 of 17

Serial No.: 17/401,052
Applicant: Shkedi, Roy
Filed: 08/12/2021
Art Unit: _____
Examiner: _____
Docket No.: 14-PP-CON6
Conf. No.: 9730

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	1	5220655	06/15/1993	Tsutsui
_____	2	5359508	10/25/1994	Rossides
_____	3	5442633	08/15/1995	Perkins et al.
_____	4	5572643	11/05/1996	Judson
_____	5	5636346	06/03/1997	Saxe
_____	6	5710884	01/20/1998	Dedrick
_____	7	5717923	02/10/1998	Dedrick
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_____	12	5754939	05/19/1998	Herz et al.
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_____	19	5855008	12/29/1998	Goldhaber et al.
_____	20	5870546	02/09/1999	Kirsch
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_____	23	5918014	06/29/1999	Robinson
_____	24	5933811	08/03/1999	Angles et al.
_____	25	5937390	08/10/1999	Hyodo
_____	26	5937392	08/10/1999	Alberts
_____	27	5948061	09/07/1999	Merriman et al.
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_____	30	5999912	12/07/1999	Wodarz et al.
_____	31	6014638	01/11/2000	Burge et al.
_____	32	6016504	01/18/2000	Arnold et al.
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	59	6415322	07/02/2002	Jaye
	60	6446261	09/03/2002	Rosser
	61	6449657	09/10/2002	Stanbach Jr. et al.
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.J.S./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on August 1, 2022

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO-1449. Assignee submits herewith copies of all NPL references that were not previously cited in this application.

Also, assignee wishes to direct the examiner to the co-pending applications and proceedings in the table below, as well as the references cited in those proceedings. All listed applications and the listed patent share the same first inventor

Serial No.	Filing Date	Earliest Parent Filing Date
17/877,870	07/29/2022	04/17/2007
17/699,297	03/21/2022	08/28/2020 (prov)
IPR2022-01319	7/26/2022	N/A – re: USP 8,671,139 (same family as SN 17/714,936, above)
IPR2022-01324	7/26/2022	N/A – re: USP 9,830,615 (same family as SN 17/714,936, above)
IPR2022-01259	7/19/2022	N/A – re: USP 8,200,822 (same family as SN 17/714,936, above)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.J.S./

IPR2022-01262	7/15/2022	N/A – re: USP 8,671,139 (same family as SN 17/714,936, above)

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: August 1, 2022

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11/12/2022
/MICHAEL J SITTNER/

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.J.S./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	_____
Serial No.	:	17/401,052	Examiner	:	_____
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title		Providing collected profiles to media properties having specified interests			

Commissioner for Patents
Alexandria, VA 22313-1450

Filed via EFS-Web on December 26, 2021

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses the references listed on form PTO-1449 filed with this document. All foreign and non-patent references listed were cited in parent application Serial No. 16/425,259, therefore copies of those references are not included here. Applicant also directs the examiner to the applications listed in the table below, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
17/401,078	08/12/2021	12/31/2007
17/390,211	07/30/2021	08/03/2011 (prov.)
17/097,865	11/13/2020	06/16/2006 (prov.)
17/092,651	11/09/2020	01/30/2013
16/925,655	07/10/2020	04/17/2007

Respectfully submitted,

DATONICS, LLC
by its attorney

Dated: December 26, 2021

/Louis J. Hoffman/
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PTO/SB/08a (01-22)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/M.J.S./	1	7958224		2011-06-07	Amjadi	
/M.J.S./	2	6034689		2000-03-07	White et al.	
/M.J.S./	3	7899862		2011-03-01	Appelman at al.	
/M.J.S./	4	7843923		11/30/2010	Baum	
/M.J.S./	5	8131271		09/04/2008	Ramer et al.	
/M.J.S/	6	6915271		07/05/2005	Meyer et al.	
/M.J.S/	7	7251628		07/31/2007	Edlund et al.	
/M.J.S./	8	5835896		11/10/1998	Fisher et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

/M.J.S./	9	11301898		04/12/2022	Shkedi	
/M.J.S./	10	11303973		04/12/2022	Shkedi	
/M.J.S./	11	11368763		03/10/2022	Shkedi et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/M.J.S./	1	20070157247		07/05/2005	Cordray et al.	
	2					

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2]	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

/M.J.S./	1	Zeff & Aronson, Advertising on the Internet (2d ed. 1999); Chapters 1, 4, 7, 9, 10	☐
/M.J.S./	2	Tittel et al., HTML 4 for Dummies (2d ed. 1999); Introduction, Chapters 1, 6	☐
/M.J.S./	3	Miller, Michael "Building Really Annoying Websites" (2001); Chapter 5	☐
/M.J.S./	4	Dara-Abrams et al., Supporting Web Servers (2001); Chapter 8	☐
/M.J.S./	5	Fletcher et al., Practical Web Traffic Analysis: Standard, Privacy, Techniques, Results (2002); Chapters 1 and 3	☐
/M.J.S./	6	Microsoft Computer Dictionary (5th ed. 2002); pp. vii-viii, 444	☐
/M.J.S./	7	Zeff & Aronson, Advertising on the Internet (1997); Chapter 8	☐

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EXAMINER SIGNATURE

Examiner Signature	/MICHAEL J SITTNER/	Date Considered	10/11/2022

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[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2022-07-13
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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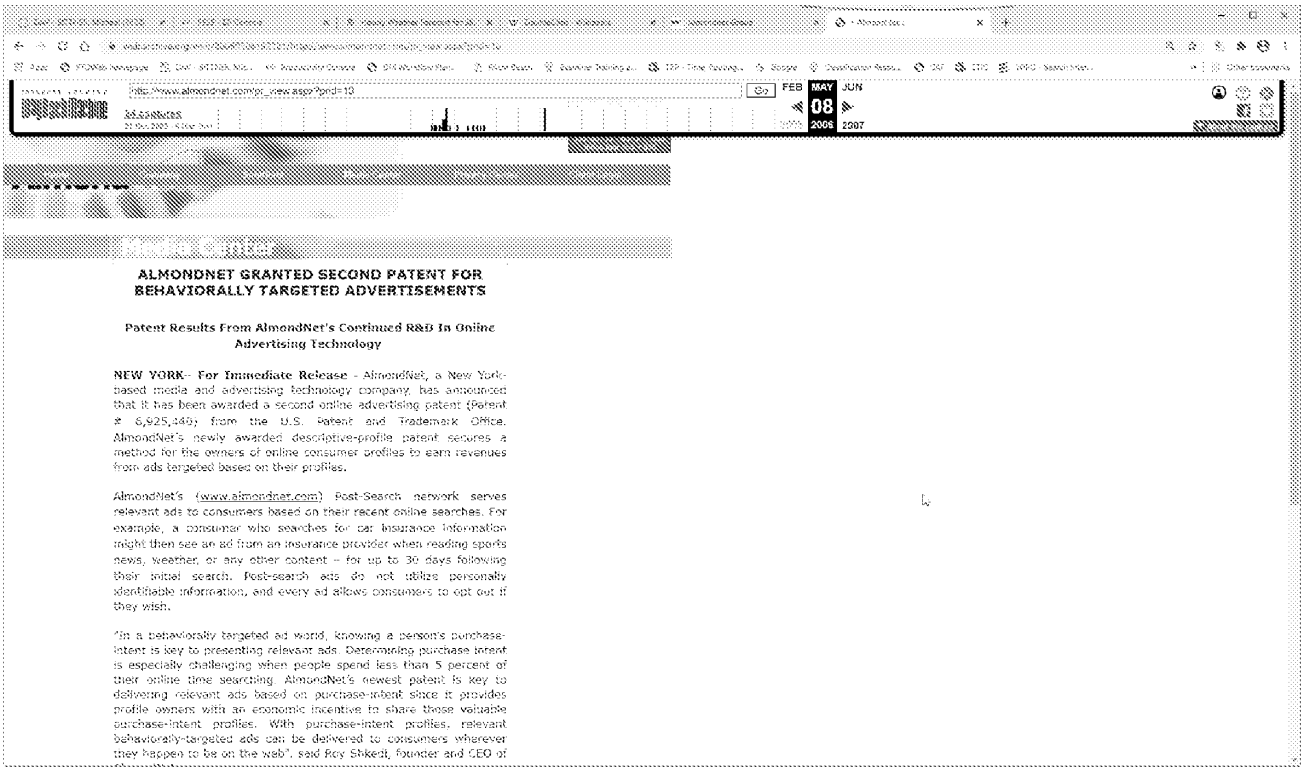
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

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ALMONDNET GRANTED SECOND PATENT FOR BEHAVIORALLY TARGETED ADVERTISEMENTS

Patent Results From AlmondNet's Continued R&D In Online Advertising Technology

NEW YORK-- For Immediate Release - AlmondNet, a New York-based media and advertising technology company, has announced that it has been awarded a second online advertising patent (Patent # 6,925,446) from the U.S. Patent and Trademark Office. AlmondNet's newly awarded descriptive-profile patent secures a method for the owners of online consumer profiles to earn revenues from ads targeted based on their profiles.

AlmondNet's (www.almondnet.com) Post-Search network serves relevant ads to consumers based on their recent online searches. For example, a consumer who searches for car insurance information might then see an ad from an insurance provider when reading sports news, weather, or any other content – for up to 30 days following their initial search. Post-search ads do not utilize personally identifiable information, and every ad allows consumers to opt out if they wish.

"In a behaviorally targeted ad world, knowing a person's purchase-intent is key to presenting relevant ads. Determining purchase intent is especially challenging when people spend less than 5 percent of their online time searching. AlmondNet's newest patent is key to delivering relevant ads based on purchase-intent since it provides profile owners with an economic incentive to share these valuable purchase-intent profiles. With purchase-intent profiles, relevant behaviorally-targeted ads can be delivered to consumers wherever they happen to be on the web", said Roy Shkedi, founder and CEO of

Profiling — technology

R Newbould and R Collingridge

Network identity is defined by the set of characteristics about a person held on a computer network, and hence identity management on the Internet is key to ensuring maximum competitive and marketing advantage for service providers while protecting end-user privacy. In the last few years, there have been major attempts in the IT world at providing parts of the identity management solution, from which we can learn important lessons. BTexact has also developed a profile hosting server to investigate the technological issues and propose a solution in this significant, evolving area.

1. Introduction

Stepping into cyberspace has become a frequent activity for many of us for work and leisure, and we are coming to depend on it increasingly as the electronic environments become more useful and immersive and we gain access to higher bandwidths. For the purposes of this paper, cyberspace can be defined as a realm in which communication and interaction between individuals and computers are facilitated by data exchanged over computer networks [1]. The most notable examples of cyberspace are of course the Internet, intranets and extranets.

In order for the interactions in cyberspace to go beyond the simplistic, cyber-citizens require computers and individuals to have access to personal information, e.g. to personalise a news site so that it contains more relevant stories on the homepage. Some information about end users must be tied to real-world properties, such as credit card details and addresses for despatching goods, or, for more sophisticated applications, the customer's current location to notify the traveller of the whereabouts of particular services. Other interactions may be divorced from reality, such as the choice of an avatar and personality for participating in a virtual world. A demand is anticipated for ever more detailed information about users such as calendar information to help people organise holidays with a group of friends.

All properties used to personalise interactions with computers and individuals constitute a **user profile**, and techologies for hosting user profile data are the subject of this paper. There are a number of factors shaping the architecture of such technologies, including technology enablers, the key customer and business benefits, the need for identity management systems and business imperatives, all of which will be discussed in section 2. A number of initiatives will then be considered in the light of these factors, to analyse the benefits offered and which are likely to be the more successful strategies. Section 4 focuses on how some of the key issues were addressed in developing a profile hosting server (PHS), delving into the design to yield insights into the technical composition of such systems.

2. Drivers

2.1 Technology enablers

The birth of cyberspace, as we know it today, came with the Internet, which became popular with the masses in the 1990s following the evolution of the World Wide Web (based on hypertext transfer protocol and hypertext markup language). More recently, XML (extensible markup language) has aided the definition of inter-machine communications, facilitating the development of advanced capabilities. In the last year, Web Services technology has burst on to the scene, building on XML, and is a key enabler for more complex distributed systems including the sharing of user profile information.

Web Services [2] promise to revolutionise computer-to-computer interaction by simplifying integration, analogous to how the World Wide Web facilitates human/computer interaction. For the purposes of this paper, a Web service interface can be defined as one employing, as a minimum, Web Services description language (WSDL) and simple object access protocol (SOAP). The former protocol describes the interface and the latter invokes it. The Web Services standards are important for profile hosting as they enable parts of a profile to be accessible by multiple consumers, such as GSM cell location-to-location-tracking Web sites. Higher layers are being added to the Web Services standards stack to specify security and business process automation which will enable powerful trusted applications using peoples' profiles, a glimpse of which is revealed in the scenario following.

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2.2 *Profiling benefits*

The introduction illustrated a number of cases where service to users is enhanced through access to profile information, which is accrued today by on-line sites, explicitly through on-line forms and implicitly through behaviour analysis.

Figures 1 and 2 depict a travelling salesperson scenario illustrating the power of being able to hook Web Service-enabled capabilities together, perhaps run by different companies, utilising communications service provider resources and centralised, managed user profiles.

The main benefits illustrated for the end user are 'taking the hassle out' of tasks and even making new capabilities possible due to 'interconnectedness', such as locating and contacting people within a short timeframe. For businesses, there are benefits through more effective and therefore profitable targetted selling, and more satisfied and therefore loyal customers. However, the rights of individuals must be protected from abuse of their profile data.

2.3 *Network identity mangagement*

The things that are essential or unique about people are what identify them. For example, we might use hair colour, whether they are over eighteen, an identification number or, more commonly, a name. Network identity is the total set of characteristics about a person held on a computer network, and since any part of a profile could be used to identify a person for some purpose or other, the profile in conjunction with a profile ID, constitute a person's network identity.

In any real-world interaction, there are always identifying traits that come bundled with an individual. For example, simply walking into a shop reveals height, indications of income, and so on, whereas in cyberspace it is possible to unbundle characteristics in such a way that individuals need reveal only those they wish to [1]. To enable users to protect their own privacy from parties who might use their identity information in a harmful or intrusive way, network identity architectures will, no doubt, evolve to enable users to give away the minimum of information (architecture and privacy pressure).

At the same time, identity information has become a commodity that service providers wish to obtain in order to market their goods more effectively. They prefer the maximum bundling of characteristics, and try achieving this by providing value to the end user for sharing the information, including financial incentives. Figure 3 illustrates this tension. An appropriate balance should be found naturally, though if commercial influences push this

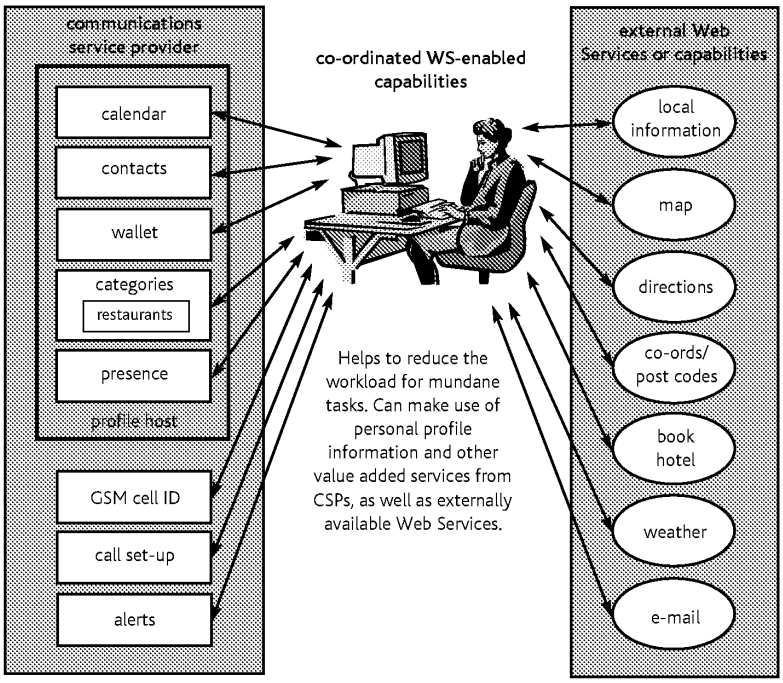
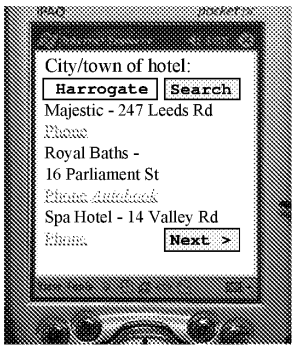
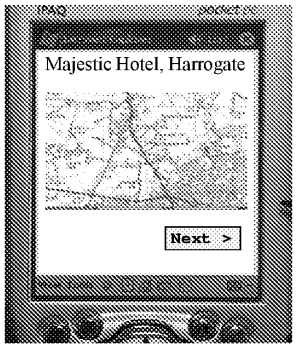


Fig 1 Travelling salesman scenario — Web Services capabilities.

Amazon/AlmondNet
Exhibit 1009
Page 168



1 Travelling salesman wishes to organise evening. Firstly, the service works out where he will be from his calendar or form entry. It generates a list of hotels using a 'local info' service. He can click 'Phone' to automatically set up an IP-PSTN voice call, or, if the hotel is WS-enabled, book it directly, utilising profile wallet data.



2 Map is returned automatically, showing location of hotel, using a mapping service.



3 He is now presented with a list of possible restaurants, based on his preferred food profile, located within walking distance of the hotel (determined by using the postcode to co-ordinate mapping Web Service). He may book a table using the same means as for the hotel.



4 Web Services directions for walking from the hotel to restaurant, and a weather forecast, indicating whether to carry an umbrella.



5 Finally, the service determines which contacts may be in the vicinity by searching the profile contacts for addresses, the contacts' calendars and even their current location (e.g. from cellID). He selects those to invite to the meal and a message is auto-generated. The message is sent using an alerting mechanism if available. Alerting mechanisms use 'presence' information such as whether the person is currently on-line or off-line, busy or interruptible, typing or possibly away from the computer, etc. Rules can determine the best means for contacting individuals, such as via SMS, an Instant Message, etc.

Fig 2 Travelling salesman scenario — Web Services in use.

too far to the left for the good of the public, governments may have to step in with new legislation.

Anticipating a rising awareness in users for the need to manage identity information held in computer systems, Alan Westin, a leading thinker in the privacy arena, made the following prediction: '... most individuals will consider and assert privacy choices as a common daily practice.' He also observes that '... informed consumer choice is the core of the new privacy paradigm' [3].

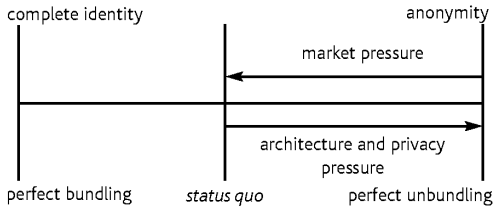


Fig 3 Bundling versus unbundling of personal characteristics (adapted from Abelson and Lessig [1]).

Clearly, users will need some method to control and track what information is released to service providers in cyberspace. Additionally, all parties in cyberspace potentially require a system to verify identity assertions,

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be they for business-to-consumer, business-to-business or user-to-user interactions. This spells the need for a network identity infrastructure, which is able to tie people to the real world but offer the capability of unbundling. Such a system has a strong synergy with single sign-on requirements and so it is not surprising that efforts in this area tend to associate the two (see section 3). Governments should also have an interest in this area, as there is arguably a need to be able to trace actions down to individuals in order to protect society from an explosion of crime taking place on the Internet.

The following section considers some commercial issues to do with the provision of such a network identity management system.

2.4 Commercial issues

A network identity infrastructure ought to be open in order to derive the most benefit, since there is rising marginal value for each user and service provider on the system as it will tend to increase the total number of potential customers and the quality and size of personal profiles. Herein lies a difficulty — no company would want to foot the bill for developing a truly open standard that would benefit the rest of society, as companies would rather capture the whole value themselves. In fact there is a tendency to keep identity management systems closed in order to do this, hence most initiatives have been proprietary until recently.

In addition, companies implementing network identity systems obtain business advantage from increasing the amount of profile information they can capture; hence end users may lose some of the unbundling power that would help protect their privacy. However, end users are unused to paying for such identity systems themselves. It seems likely that the highest costs associated with network identities will be that of verifying credentials [4] where necessary, such as age or address, which could be guaranteed through public key cryptography schemes.

As the following look at standards and technologies reveals, there is considerable business interest in developing network identity standards and infrastructures to benefit on-line sites while providing a degree of privacy protection to keep users happy. The commercial issues presented here have proved to be significant barriers that so far have not been entirely addressed by these initiatives.

3. Standards and technologies

3.1 P3P

The platform for privacy preferences (P3P) project [5] enables Web sites to express their privacy practices in a standard machine-readable format that can be retrieved automatically and interpreted easily by user agents, thus removing the need for users to read site policies and enter information manually each time. P3P user agents, such as Microsoft's IE6 P3P add-in, allow users to be informed of site practices and to automate decision-making based on these. For example, users may set up a profile and sharing rules including physical contact information that they are happy for their agents to automatically share with any organisation that will not pass it on to third parties, and medical information for which they require a user prompt before sharing.

P3P goes some way towards providing users with control over profile sharing but there are a few outstanding issues with the approach. Firstly, it is debatable whether users would want to control the release of information based on privacy policies alone, especially since P3P offers no mechanism for ensuring adherence to the policies. It is perhaps more likely that users would base decisions on their perceptions of a company's trustworthiness and the value provided. Secondly, client-based hosting of profiles limits their usefulness, as there are certain services which require access to profile data when the user is off-line, such as colleagues wanting to read a current GSM cell location. Finally, P3P does not specify a full identity management infrastructure, though such a system based on P3P has been proposed [6]. The following offering from Microsoft went some way towards addressing these issues, though in a closed manner.

3.2 Microsoft .Net My Services

Around April 2001, Microsoft announced an identity management offering as part of their .Net Web Services strategy, which came to be launched as .Net Passport/My Services [7]. Users must subscribe to Microsoft Passport, which is a single sign-on system used to access a number of Microsoft services including Hotmail and service providers they have signed up. The intention was that service providers could access a potentially broad user profile hosted by Microsoft on their .Net My Services platform, including preferences, eWallet, calendar and alerts. My Services would put users in control of their profiles (discussed in section 2.3) by displaying a Microsoft.Net My Services user interface [8] to enable users to set access rights for different service providers to different parts of their personal data (see section 4.1 on the BTexact profile-hosting server for a fuller explanation of how this could be achieved).

After a number of months trying to sign up organisations, Microsoft accepted it did not have a clear enough business model for .Net My Services [9] and eventually withdrew the offering [10]. Problems reported include lack of trust over the security of Passport and resistance from organisations not wishing to allow Microsoft to host commercially valuable profile data. Microsoft also suggested making customers pay for the hosting of profile data, but this is an untested strategy, as

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users are not accustomed to paying for such services. In response to issues faced, Microsoft announced that it would change its strategy in two important ways. Firstly, it promised that version two of Passport will use the trusted Kerberos authentication architecture. Secondly, it claimed that My Services would support federated profile hosting, an approach also adopted by the Liberty 1.0 standard [11].

3.3 *Liberty*

The Liberty Alliance project [12] is a Sun-led alliance comprising over 60 member companies, formed to deliver and support a federated network identity solution for the Internet. The version 1.0 specifications were released in July 2002. A person's on-line identity — their personal profiles, personalised on-line configurations, buying habits and history, and shopping preferences — is administered by users and securely shared with the organisations of their choosing.

Figure 4 is an overview of the Liberty 1.0 architecture, which utilises Web Services for communications between providers [13]. Since it is a federated identity solution, different service providers host different parts of users' profiles as appropriate, and users can potentially choose that data held by one service provider can be shared with other service providers. Identity providers perform authentication and can be chained together, with the active agreement of users, to provide single sign-on.

The Liberty standard is an open technical specification, but users cannot link an identity provider with any service provider or share data between any service providers of their choosing. Providers can only be linked where service and identity providers have chosen to affiliate for mutual business benefit, creating circles of trust, as illustrated in Fig 4. The Liberty architecture does remove the need to rely on a third party to host profiles and the security risk of a single organisation hosting entire profiles. However, in its current form it falls short of the ideal network identity infrastructure, since commercial interests look likely to resist the full inter-linking necessary for global single sign-on and profile sharing on the Internet (see section 2.4).

4. TIDE (Transforming the Internet Identity in Europe)

A number of European companies are proposing an EU 6th framework project named TIDE to pave the way for technological and legislative measures for electronic identity to be provisioned and maintained throughout the life cycle of European citizens, for social and commercial

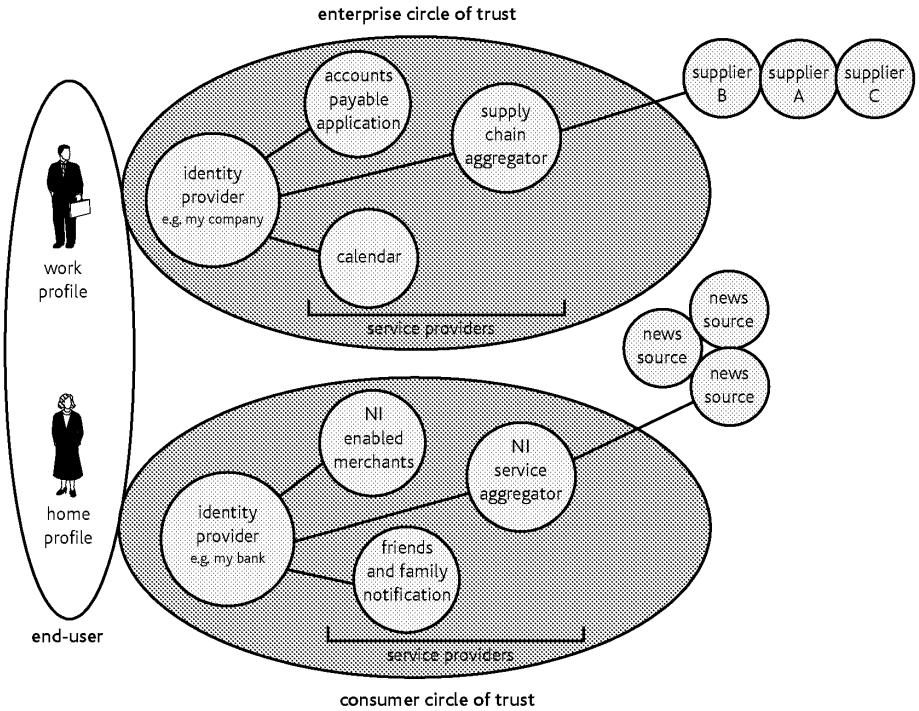


Fig 4 Liberty architecture — federated network identity.

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purposes, on the Internet. This could well prove to be the best way forwards for the EU as a whole.

A government-directed scheme opens the possibility for a network identity infrastructure that truly is a 'common good,' benefiting all parties to the maximum (see section 2.3). It could also take the opportunity to build mechanisms into the architecture to enable perpetrators of Internet crime to be traced, although this needs to be balanced against the need to protect the privacy of civilians.

4.1 Profile hosting server

The BTexact profile hosting server (PHS) started life as a research project in 1998, looking at methods to allow personalisation of applications and services. The stated objectives of the project have changed little since its inception and are:

- to be an enabler to personalisation for any service or application,
- to have scope across the whole Internet, including intranets, isolated networks or *ad hoc* network segments,
- to enable personalisation on any client device or multiple simultaneous devices, at any time and from any location or network — this includes simple voice services, WAP telephones, PDAs, pocket PCs, desktop PCs, set-top boxes, games consoles, kiosks and in-car services,
- to allow users to explicitly represent themselves, their attributes, and interests in one single (but possibly distributed), secure profile, hosted by a party acceptable to the user,
- to enable knowledge management and community working,
- to allow authorised applications, services and individuals to interact with a user's profile in a clear and efficient manner.

In developing a service to meet these objectives, BTexact has gained some valuable intellectual property rights in the personalisation and profile hosting space, and has built considerable skills and knowledge in the personalisation space.

The objective of the following sections is not to provide a complete overview of the implementation, but to provide an insight into the issues and technical challenges faced in meeting the above objectives.

4.2 Profiling issues

4.2.1 Privacy

Privacy is perhaps the most important aspect of profile hosting from the user perspective. It is essential that the public perception of privacy for any profile hosting service is maintained at the highest level. In order to achieve this the following conditions must be met:

- use of information must be consensual — returning to customers to ask for permission to use data for new purposes,
- information processing should be transparent — users should be able to see what data has been collected about them,
- all use of information should be fair — simplistically, users must be happy with the way in which the data about them is being used.

These messages must then also be conveyed to the user in a clear and unambiguous privacy policy, which must be presented to the user at registration time. The above is a subset of the principles outlined in the 1998 Data Protection Act [14], which is enforced by European directive 95/46/EC [15].

4.2.2 Security

It is essential that a user's privacy is maintained, but equally it is important that users have and maintain trust in the systems' ability to securely hold, and manage access to, their profile contents. Not only must the platform and software be secure, but also the transport and delivery of information to other parties must be highly secure. One further essential requirement is the ability to provide a detailed audit trail, so that profile access cannot be repudiated.

4.2.3 Ownership

To ensure user acceptance, a profile hosting service must clearly present the terms and conditions of the service provided. Right from the outset of the project it was clear that the one fundamental principle required to engender trust and respect for the user's privacy was to ensure that ownership of a user's personal information remains with the user. The concept of a user-owned profile was perhaps the most significant driver behind the design of the PHS.

Having said this, there is also a market demand for the situation where a business may want to hold and own personal profiles within a defined business scope, e.g. restrict the sharing of personal information to partners and affiliates only. A secondary consideration was how to support this model without compromising the primary goal of user-owned profiles. This challenge was successfully addressed in the development.

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4.2.4 Scope

It is essential that the scope of the personalisation is bounded and this is usually limited to a business domain. As an example a user's shipping address may be correct and relevant within one shopping application where they purchase books for work use, but will not be relevant in another where they may purchase CDs for personal use.

The PHS is designed to support personalisation for users across the whole Internet, yet provide mechanisms to support limited scope, e.g. an intranet environment or a business-specific environment. This partitioning of business domain data is essential in maintaining privacy and business confidence in the concept of profile hosting.

4.2.5 Schema

It is essential that all objects being profiled to deliver personalisation use a commonly understood schema so that relationships can be made between objects that have been profiled. This places emphasis on using the correct ontologies and an architecture that allows them to evolve, as understanding of how users and businesses apply profiles improves. The schema must be flexible to allow it to support various media types, and extensible to allow service providers to store additional information in a structure that suits their business needs.

4.2.6 Purpose/context

It is essential that the meaning and purpose of all attributes within an object's profile be clearly understood, so that the attribute is not used out of context. As an example, a user may have an interest in banks but this must be captured as a financial interest and not one about rivers.

4.2.7 Timeliness

It is essential that the attributes of a profile are relevant in the time domain. As an example, a user may not want to receive endless offers about red wine just because they once bought a bottle as a gift in the distant past. There must be a mechanism for the 'tidy up' of profiles and the ability to remove attributes that are no longer of relevance.

4.3 Design overview

With such a complex set of requirements and operating environments to consider, the PHS had to be designed as a fairly simple, low-level capability that could be used to enable personalisation in a wide range of environments. The analogy used was that the PHS must provide a profiling service comparable to that of an SMTP mail server, in that it should be simple, portable, scalable and performant, requiring minimal hardware and capable of running on multiple platforms. This is also a good analogy in that a user's profile, like their e-mail account, can be hosted by their chosen service provider and moved if the service provider does not meet their expectations of service levels.

Simplistically, PHS is a profile store or database with a security layer, to enforce privacy and security. The profile is designed to be extensible and portable. The user or hosting service provider can back it up and it can be distributed across multiple platforms. The security layer, called the gatekeeper, is described in more detail in section 4.5.

One of the key design decisions made at an early stage was that the permissions or access control lists associated with a user's profile are embedded within it. This decision is critical to the profile having application in an *ad hoc* network environment or a localised network environment, where access to a centralised, network-based authentication system (e.g. Microsoft Passport) would not be possible. This ensures that the profile can be used in both a network-based or client-based environment and that synchronisation can be used in a distributed profile environment.

In order to simplify integration of the PHS into existing applications and services, a decision was made to use an emerging technology, called SOAP (simple object access protocol) as the transport mechanism, and XML as the access language. This was a fortuitous decision as the Web Services initiative emerged and grew over the lifetime of the project to become the implementation technology of choice today. PHS is a true Web Service with a WSDL definition.

Figure 5 shows a brief outline of the profile hosting service system. The components are as follows:

- a lightweight directory access protocol (LDAP) directory server is used to provide the main information store for the profile hosting service, consisting of portable personal profiles (1),
- the gatekeeper turns the LDAP directory server into a profile hosting server — it provides all of the service functionality needed by the service providers to interface with the service (2),
- the profile hosting service comprises the LDAP directory and gatekeeper software — it exists on a secure network ensuring only the gatekeeper talks to the LDAP server and only the intended HTTPS (hypertext transfer protocol over secure socket layer (SSL)) requests reach the gatekeeper (3),
- the HTTPS communications system is used by the gatekeeper for communications with the outside world (4),

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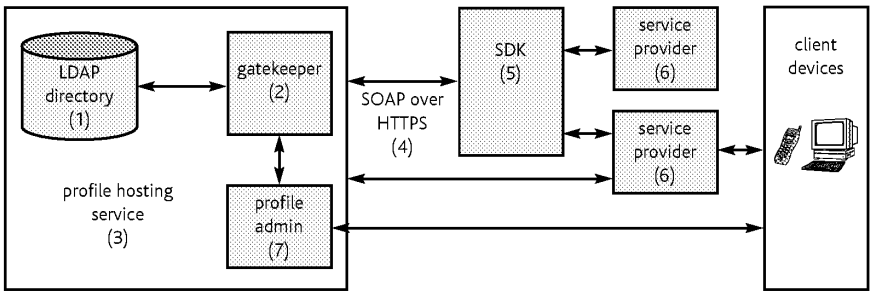


Fig 5 Outline of the profile hosting service.

- the service's software development kit (SDK) provides a simple mechanism by which service providers can access the profile hosting service (5),
- service providers, as the name suggests, provide the services built upon the profile service, accessing the server by constructing and sending SOAP packets over HTTPS, or via the use of a released SDK — profile management tools also exist in the form of service providers (6),
- profile administration components are used for the creation, management and support of the subscriber's profile account (7).

4.4 Profile store

Investigative work was done to see how the profile should be stored. The two key technologies considered were a relational database or an LDAP-compliant directory. The latter was chosen for the implementation as the directory schema and its access control model were a very good fit to that required for the profile. The LDAP directory also provided suitable performance and offered a high level of platform independence. LDAP directories are optimised for specific read/write ratios and testing showed that it was also a good choice in this respect for a typical customer usage profile. The modular design of the service does not preclude a migration to another storage mechanism, and investigative work into native XML databases such as Apache Xindice [15] has been undertaken.

4.5 Access control

Access control is enforced by the gatekeeper and its role is to provide access to the information stored in the personalisation system in a controlled manner. It provides this access through an HTTP interface, where the requests and responses are made up of XML documents. In providing access to the information available on the system, the gatekeeper performs various tasks such as HTTP request handling, request parsing, request fulfilment, request response generation, session tracking, caching, logging and security management.

The core profile is stored in the LDAP directory but the gatekeeper stores additional information about sessions, etc, locally. The view of the information from the client side is different to the actual storage structure used on the LDAP server. This difference in view is intended to improve ease of use for both service providers and subscribers and to present a logical model of the personalisation system, while hiding some of the detail of the implementation.

The HTTP communication is implemented following the SOAP 1.1 specification for packaging the requests and responses between a service provider and the gatekeeper. SOAP allows multiple different transports to be used including TCP, HTTPS and SMTP and the gatekeeper could be made accessible over one or more of these other transports at a later date.

4.6 Application interfaces

As previously mentioned, the applications interface to the service is via exposed SOAP/XML methods, which are defined and documented. In addition, a subset of the functionality is presented in the form of a set of Java classes to allow developers to write client-side applications and services that interact with profiles, and some example applications, such as tools used to analyse local data and then populate the profile based on this analysis, e.g. a user's bookmarks.

4.7 User interfaces

For a user to accept and trust services using their profile, a clear and unambiguous interface between the PHS and the end user is required. Access to all or part of the profile is controlled directly by the profile owner. In order for a service or application to read or update the user's profile, they must first establish a trust relationship with the profile owner. A trust relationship basically involves a service requesting read or write permissions to part of the profile and the user providing credentials to the service in the form of an identifier and associated password. These credentials are stored, as part of the profile and its embedded access control list. The credentials allow a one-time access only or continued access to the parts of the

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profile requested. This process of negotiating access rights is called the break-out process.

The break-out process allows negotiation of access rights between the requesting service provider and the end user. It has been implemented in various forms but the most common implementation is by using HTTP redirection to allow granting of access rights to service providers. The process is required because by default a service provider will not have permission to access all of the profile. If a request is denied, the user is informed and asked to make a decision as to what rights, if any, should be granted to the service provider. This may result in the user denying access this time, denying access now and in the future, granting access this time only or always allowing access to the requested information. Having granted or denied access to the profile, the control is then passed back to the service provider to allow the user's personalised experience to continue.

4.8 Profile contents and structure

The profile for each user is, by default, unpopulated. A basic structure is in place and it is assumed that some basic information is placed within the profile at registration. It is possible for the creation and registration process on PHS to be completed by a service or application, thus simplifying the registration process and initial profile population.

BTexact has also developed tools to assist in profile population by analysing other data sources. An example of this is a tool that analyses a user's bookmarks and generates an assumed set of interests from these bookmarks and the content residing behind them.

PHS supports the concepts or roles and context. Roles allow a user to split their interactions into a defined set of spaces. For each role a unique set of personal information and interests exists. This allows a user to have separate contact details and interests, for example, within a work role and a home role.

A number of contextual flags exist and these are common to all roles. This is an extensible set of attributes that reflect the user's current activity, availability, mobility, etc. There are also contextual flags with Boolean values, e.g. out-to-lunch.

Figure 6 shows the basic profile structure that exists on the creation of a user account on the profile server.

4.9 Personal information

This node contains personal data such as name, address, date of birth, marital status, accessibility information, etc. It is held per role and follows an open standard schema as defined by the P3P W3C working group [5].

4.10 Interests

For each role, a user's interests are stored as a set of weighted keywords and phrases. This format is bespoke, but is fairly common across a large number of projects within BTexact. There are tools available that use these to determine relevance of content to a user based on these interests and some examples are discussed later in this paper. A user's interests evolve over time, through interaction with one or more services, and eventually become a fairly accurate reflection of the user and their interests, allowing content filtering and prioritisation to be performed to enable advanced knowledge management. PHS supports the concept of interest decay, so that an interest in a particular topic will decay over a period of months or years, unless that interest is 'refreshed' through use of services. PHS also allows storage of disinterests, so that content can be actively filtered out by applications and services, if required.

4.11 Preferences

Preferences are similar to interests but have a more clearly defined application and scope, e.g. favourite restaurant type. They are attributes with multiple values and weightings, allowing explicitly stated and prioritised preferences.

4.12 Bookmarks

This part of the user profile holds a user's bookmarks such that they can be accessed by any device or service. The profile enables bookmark management, usage tracking and linking of bookmarks to devices, e.g. 'only show me WML bookmarks when on my WAP phone'. In addition, the profile supports change notification tracking, e.g. 'highlight pages that have changed since I last visited the bookmark'.

4.13 Dynamic information

The 'dynamic' information is information that changes fairly frequently, such as active device or current location. This part of the profile also allows a user's devices, network connections and preferred locations to be defined in detail and for relationships between them to be assumed, e.g. 'if I'm on my home PC, then I am at 1123 Kirton Close, Felixstowe (postcode and GPS position known) and I'm on a 64 kbit/s dial-up connection'. My 'home PC' has defined characteristics and capabilities, which can also be profiled using open standards. The PHS also stores a historical location trail and potential future locations, which may be used by services such as route planners, etc.

4.14 Service providers

This part of the user profile is a superset of the cookie concept. It provides a secure space for trusted parties to store information in a user's profile, to which only they have access. It is effectively a mechanism for implementing network-based cookies. The type and amount of information that can be stored is much greater though and

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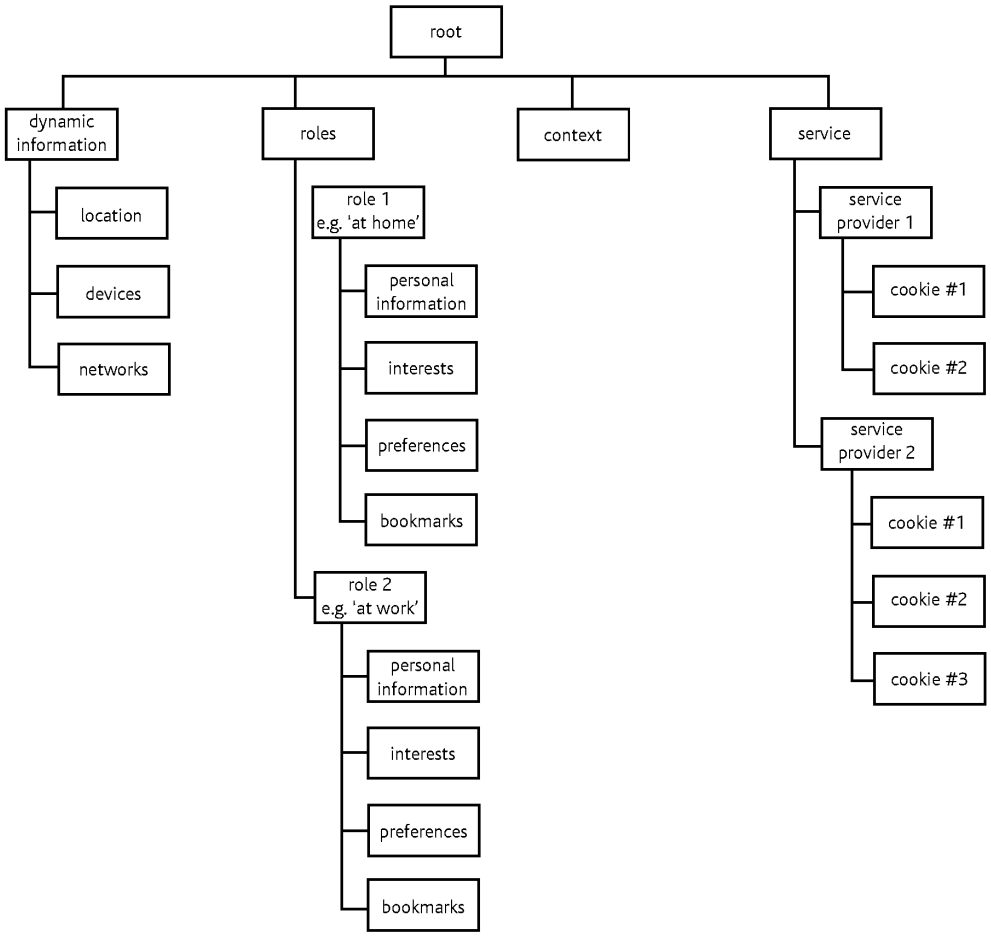


Fig 6 Profile schema overview.

applications have been written which use this space for session tracking across multiple clients or for portable media rights management.

4.15 Communications rules

This part of the user profile holds communications rules for the personalised alerting service. This is covered in section 5 as an example application. It allows a user to define rules for notification at the optimum time and the optimum device.

5. Example applications

5.1 Personalised alerting

One of the first applications identified that would benefit significantly from personalisation and the application of a user profile was that of personalised alerting. This application has been implemented as a Web Service that trusted service providers can use to communicate with and to notify users. From a service provider point of view, the complexities of alerting are hidden. They simply invoke a Web Service with the required priority and delivery attributes set. The service uses the user profile and communications rules to determine the best way to deliver the alert to the user, that meet their chosen priorities and devices.

This simple service is linked to an SMTP mail server, an SMS gateway and an IP messaging platform, allowing alerts to arrive as e-mail, SMS messages or pager notifications and instant messages to a user's desktop.

5.2 Advanced Communities

The BTexact Advanced Communities service is an application that combines the PHS with a range of Web

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Services-enabled capabilities to provide an advanced community service platform. The development focused on integrating existing technologies within BTexact and developing a core community engine to showcase both the PHS and the alerting engine.

Figure 7 shows a top-level view of the Web Services integrated to produce the community service.

The development focused on modelling communities and their users in a native XML database and in developing a community engine to allow creation and management of communities. The service is completely device independent and a user interface is required to present functionality to users. This can be a networked interface, e.g. WML or HTML, or it can be a client-based interface customised to a specific device, e.g. an XDA pocket PC. The engine supports and models the concept of communities, user roles, multimedia discussions and their moderation. The service is designed to be both cost effective and scalable from tens to millions of users.

Through advanced profiling techniques and a suite of knowledge management tools, each community, user and content item can be profiled in a common way to allow direct assessment of relevance. If shared information is deemed relevant to a community or user, they are notified via the alerting engine. The auto-content feed allows content sources to be monitored for articles of relevance and to then be shared with the community, e.g. monitoring of USENET newsgroups of interest.

The Web Services payment engine allows users to be charged for creating communities, for subscription to communities and for pay-per-view content within communities. Since a user's preferred language is stored in their profile, the language translation service allows a community to be presented in their chosen language. The personalised advertising server is used to present advertisements targeted at both community and user interests, at the community owner's discretion.

6. Conclusions

This paper began by exploring the key drivers behind the growing interest in, and approaches taken by, profile hosting, or identity management, solutions. Web Services is a key technology facilitating remote profile storage and has been adopted by Microsoft and Liberty Alliance profiling solutions, which represent the most significant recent developments.

The increased efficiency derived from hosting profiles centrally is of benefit to end users and businesses alike, though there is a battle between service providers and consumers over how much profile data should be bundled with basic identity information by service providers. Architectures support unbundling of profile data, allaying users' privacy fears, but businesses stand to gain from more effective marketing by obtaining as much information as possible.

Studies of recent profiling technology developments suggest users would prefer to be in control of those suppliers with whom they share data, rather than allowing an automated mechanism to decide, based on unverifiable privacy policies. This is the basis of Microsoft's .Net My Services and the Liberty Alliance's developments. The former experienced resistance to the power of a third party holding the entirety of a user's profile data, though

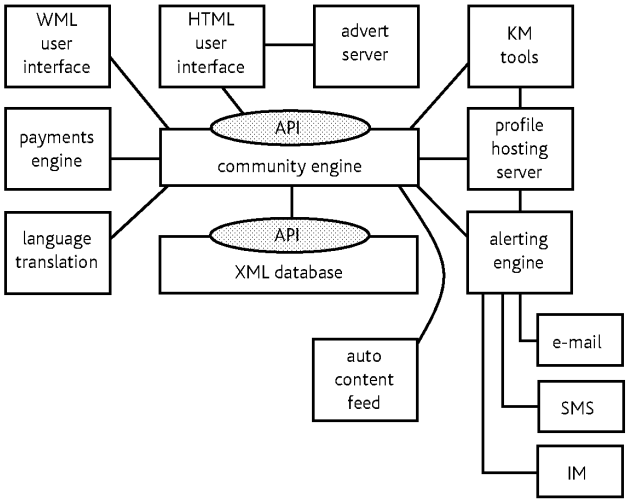


Fig 7 Advanced communities service.

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Microsoft promises to address these issues. The latter addresses commercial issues by proposing identity federation and user opt-in for sharing of data within 'circles of trust.' Liberty's approach may not go far enough towards enabling a 'common good' identity management infrastructure that is truly open and can enable law-enforcement through tracing criminal activity. This, arguably, can only be provided with input from Government, which is where the proposed EU TIDE initiative has the potential to add value.

BTexact has developed the profile hosting server to meet both user and business demands for personalisation and has produced a flexible and extensible capability that can be integrated into a wide range of environments and platforms. A logical progression for profile hosting services is that of extending into the digital identity hosting space. This is a future development direction proposed for the PHS as part of a wider initiative based on open standards and Web Services technology.

Using personalisation and profile hosting, BTexact has already produced some exciting propositions that show the potential benefits of personalisation in real world applications. Services such as Advanced Com-munities offer BT and its partners a real opportunity to bring compelling and addictive services to the broadband and mobile market-place and thus stimulate growth in these areas.

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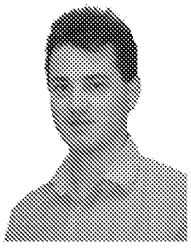
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He is currently leading a number of projects on Internet personalisation, profile hosting and personalised communities.

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The MediaXact† System—A Framework for Personalized Electronic Commerce Services

Randy L. Bartell, Nadine A. Blackwood, Dominik Eggenschwiler, Mai-Huong Nguyen, Christian Schnidrig, and Michael J. Yatchman

The rapid growth of the World Wide Web has created new industries and extended the reach of existing businesses. One of the areas on the verge of expansion is electronic commerce (EC). While still in its infancy, EC is forecasted to increase by over an order of magnitude over the next several years. Notable success stories of selling over the Web—such as those of amazon.com and Dell Computer—are often touted today . A major concern with the creation of EC systems today is the large amount of customization and systems integration work required. We present here the MediaXact† system, a solution to this dilemma that provides a framework separating the service presentation and service logic from the functions that make up the service. This greatly simplifies customization and eases the integration with existing legacy systems and business logic.

Introduction

The current boom in the use of the Internet and the World Wide Web has significantly affected the way in which we interact and communicate, enabling unprecedented flow and sharing of information. The natural next step in this progression is the exchange of goods and services electronically—electronic commerce (EC).

The electronic medium has the potential for reducing the actual transaction time and processing time to negligible intervals while at the same time making information available globally. As such, EC has been widely embraced, both as a means for operational cost reduction and as another channel with very high potential for generating revenue. At the same time, the ubiquity of the Web and the availability of browsers across different platforms provide a common base with which EC applications can be built, especially in the enterprise. This common platform has eliminated the issues of software distribution and software installation, thus leading to the rise of EC systems, both in the Internet and in intranets.

The first generation of EC systems focused mainly on reproducing the storefront and the paper world electronically (for example, the electronic catalog was essentially the same as the paper catalog). The power of the electronic medium was not yet exploited. We see two major changes in the current generation of systems: first, the expansion of EC into an electronic business process, enabling an electronic supply-chain management system, and, secondly, the use of the electronic medium to enhance the EC "experience." These include capabilities such as targeted marketing and real-time multimedia interactions amongst the business parties (such as suppliers, buyers, logistics, and financial institutions).

These changes, along with the dynamic nature of EC, place the following requirements on an EC system:

- *Modular architecture*. As EC and the Web evolve over time, systems must have the ability to easily plug in new functionality.
- *Scalable and flexible environment for commercial transaction services*. The system must have the capability for scaling in multiple dimensions—for example, adding processing power to han-

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dle increased transaction rates from additional users, or adding the ability to grow to handle more computation and bandwidth-intensive media such as streaming video.

- *Open interfaces based on (de facto) standards.* As EC grows into an electronic business process, different systems will need to be integrated. Until standards are defined for these interfaces, EC systems must keep their interfaces open.
- *Reliable and secured services.* An essential aspect of any EC system is the reliable tracking of transactions; for purchases or transfers to be lost or only partially processed is simply not acceptable. Additionally, these transactions must be performed with adequate security to prevent the disclosure of sensitive information to unauthorized parties.
- *Personalized services.* An EC system should enable the seller to customize the experience of the buyer. This should allow dynamic presentation of offers based on individual preferences and prior behavior.
- *Multimedia capabilities.* As multimedia services become commonplace on the Web, an EC system should be able to take advantage of such capabilities.
- *Information filters.* The EC system must provide a means to reduce the amount of information presented to the user so that only the most relevant information is gathered and presented.
- *Integration with legacy systems.* Businesses have huge investments in existing financial, inventory, and accounting systems; an essential element of any EC system will be its ability to integrate with existing legacy business systems.
- *Manageability.* The task of system maintenance must be simplified, and the system must provide mechanisms to allow the monitoring of performance and alarm conditions.

Given this environment, we decomposed the problem of building a generic EC system into that of building an *EC platform*, defined as a framework for on-line commercial transaction services, and an *EC application*, defined as a specific on-line application built using the framework. Whereas the platform provides the basic core functions common to different EC systems, the application is a particular configuration and presentation of these functions to meet a specific need. This approach allows us to fulfill the anticipated need for customizing EC systems to suit particular processes in terms of process flow and information presentation. For example, an electronic storefront for Company X will require the same basic functionality as that for Company Y in terms of allowing customers to browse product catalogs, select products, log in, and purchase. However, Company X may want customers to log in before browsing so that customer actions can be tracked, whereas Company Y does not require customers to log in until they are ready to purchase.

Using this perspective, the requirements above can be categorized into platform-oriented requirements (such as modularity and scalability) and application-oriented requirements (such as personalization).

Panel 1. Abbreviations, Acronyms, and Terms

API—application programming interface
ASCII—American Standard Code for Information Interchange, a binary code for text
BO—buying organization
CF—component function
CFL—component function locator
CGI—common gateway interface
DB—database
EC—electronic commerce
GUI—graphical user interface
HTML—HyperText Markup Language
HTTP—hypertext transport protocol
ISO—International Organization for Standardization
LDAP—lightweight directory access protocol
NSAPI—Netscape* server API
ODBC—open database connectivity
RTSP—real time streaming protocol
SNMP—simple network management protocol
SO—selling organization
SSL—secure sockets layer
TDMA—time division multiple access
TMN—telecommunications management network
URL—uniform resource locator
VSR—virtual layer stock room
XML—Extensible Markup Language

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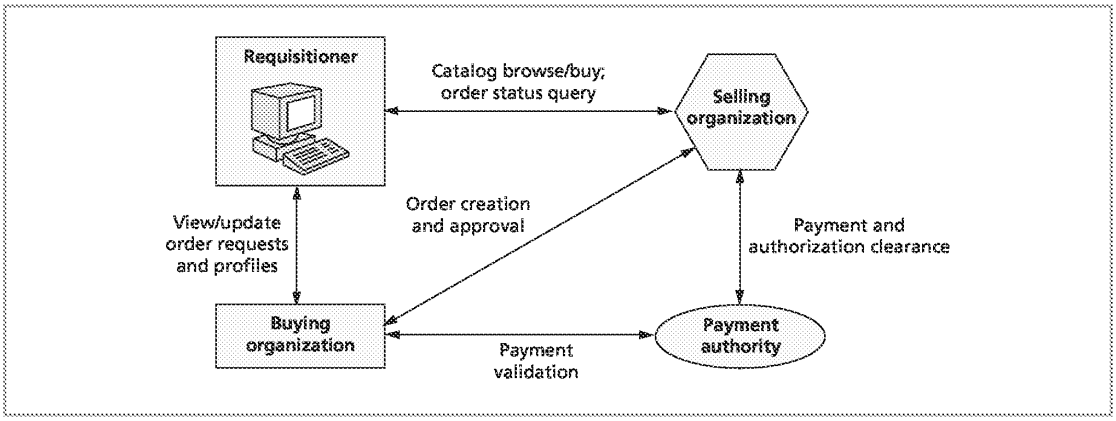


Figure 1.
Conceptual entities in an EC transaction.

In this paper, we describe the MediaXact† system—a software EC platform that we developed having inherent multimedia and transaction capabilities. MediaXact software consists of a modular and distributed *framework*, and a set of *functions* for supporting the on-line commercial exchange of different types of hard and soft goods, including digital multimedia contents. Its architecture allows it to satisfy the platform requirements above in terms of scalability, flexibility, security, and ease of integration with legacy systems. Performance has also been a prime consideration. The system architecture permits scaling in multiple dimensions via the replication and distribution of processes.

The MediaXact platform is designed around the notion of separating service presentation and service logic from the functions that make up the service and the contents. In particular, MediaXact software uses a template-based mechanism that allows associated EC applications to support the customization of presentation and services down to the individual level, resulting in a greatly enhanced buying experience for the user. MediaXact applications are built by specifying a particular configuration of functions and a set of templates that define the "look and feel" of the service and the service logic. Multiple applications can be built and can coexist on the same MediaXact platform. Furthermore, these services can be dynamically deployed and removed without affecting existing services. Although we have concentrated on building Web-based applications, it is also possible to build non-Web applications using the same MediaXact platform. Note that the terms *service* and *application* are used interchangeably in this paper.

In the remainder of our paper, we first provide a conceptual overview of the components of an EC system and discuss how the MediaXact architecture abstracts those components. We then present an overview of the MediaXact software architecture, followed by detailed descriptions of the framework and the functions that have been implemented. We conclude by presenting some sample EC systems that have been developed using MediaXact software.

Electronic Commerce System Components

Conceptually, an EC system consists of four entities as follows:[1]

- *Requisitioner*—the end user of the product being ordered or bought,
- *Selling organization*—the product or service vendor,
- *Buying organization*—the local procurement organization responsible for the internal business process and also for negotiation of preferred supplier contracts, and
- *Payment authority*—the organization responsible for transaction authorization and completion.

Figure 1 shows the relationships among these entities in a typical EC transaction. Note that in a

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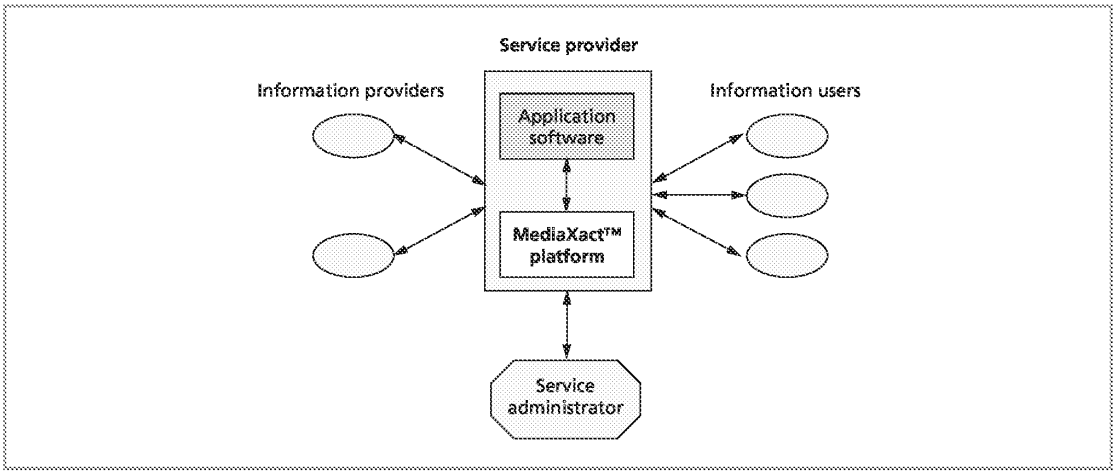


Figure 2.
Conceptual view of the MediaXact† platform in a client-server system architecture.

business-to-consumer transaction, there is no buying organization.

Depending on whether the EC system is used by a selling organization (SO) or a buying organization (BO), the functional requirements will be somewhat different. A sell-side system focuses on providing information and support to the requisitioner to enable a buy decision for the SO's products and on tracking the order status (for example, providing catalog management and customization, buyer management and tracking, on-line call center support, and links to transport logistics or inventory systems). Such systems should also allow the SO to manage its inventory and supply chain. A buy-side system focuses on providing information for multi-vendor product comparison, purchase approval and tracking, contract negotiation, and links to internal accounting, human resource, and operations resource systems.

There is some obvious overlap in functionality between a sell-side system and a buy-side system. This overlap motivates our approach to provide a generic platform that can support both BO and SO functionality, and lends credence to the notion of services being composed of different functions.

MediaXact System Conceptual Description

The MediaXact system generalizes the EC conceptual entities into clients and servers. **Figure 2** shows a conceptual view of the system as a client-server system. Functionally, there are three types of clients:

- *Information providers*—clients with information or products to provide (for example, sellers),
- *Information users*—clients with needs to access the server for information or products (for example, requisitioners), and
- *Service administrators*—clients with needs to manage the information contents such as product and user information (for example, both sellers and buyers).

Referring to Figure 2, the *service provider* is the server in the MediaXact client-server system. Different types of services are supported via different application software built on top of a core platform (the MediaXact platform), which is flexible, scalable, and secured. The system must be flexible to support the continually changing needs and capabilities of Web applications, as well as the large degree of customization required by EC systems. The system must be scalable such that the platform functions can be supported either on a single physical server, or be distributed across multiple servers as needed. Security must be implemented to support the exchange of secure information as required by various transactions between buyers and vendors. Manageability of the platform allows the deployed system to be monitored for both performance and alarm conditions. The intention in

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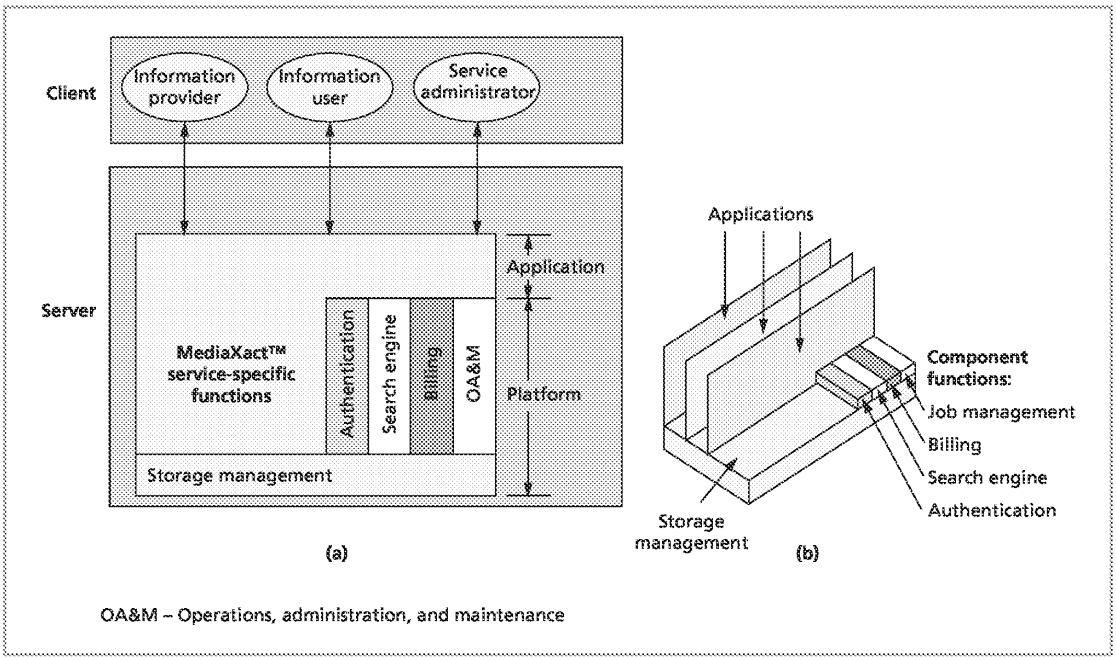


Figure 3.
MediaXact† service architecture.

developing MediaXact software has been to integrate and enhance existing technologies with results from Bell Labs research where it makes sense.

Figure 3 decomposes the service provider box into further functional blocks. Figure 3a shows each application (or service) built on top of the MediaXact platform as a set of *service-specific functions*, which are built out of *platform functions* such as authentication, search engine, and billing. The OA&M function refers to operations, administration and maintenance, or job management. The main notion here is that the MediaXact platform provides some basic functions. How these functions are used depends upon the requirements of the particular services being built. The look and feel of these functions, as well as how they are linked to support a specific service (that is, the service business logic), can be regulated dynamically by a set of templates. The use of templates facilitates the customization of both the look and feel and the business logic of each service.

At the base of the platform is a *storage management* layer, which manages the information contents being exchanged between the various clients of the system, as well as information contents required for the various services, such as product catalogs and user profiles.

Figure 3b shows a conceptual picture of multiple services being supported on the same software platform. Each application is shown as a "plug-in card" on top of the platform. The uniqueness of the concept shown in Figure 3b includes the notion that services can be deployed and removed dynamically, while other services are running, without requiring the platform back end to be shut down. A coordinated set of templates forms a service. Since each template can be customized dynamically, as discussed above, services can also be created, customized, and deployed dynamically.

MediaXact Software Architecture

This section discusses the MediaXact software architecture, some of the design principles, the software components, and the execution flow through the system. Since the MediaXact system is primarily server based (that is, function executions, data manipulation, and all state information reside at the server side), most of the discussions focus on the server.

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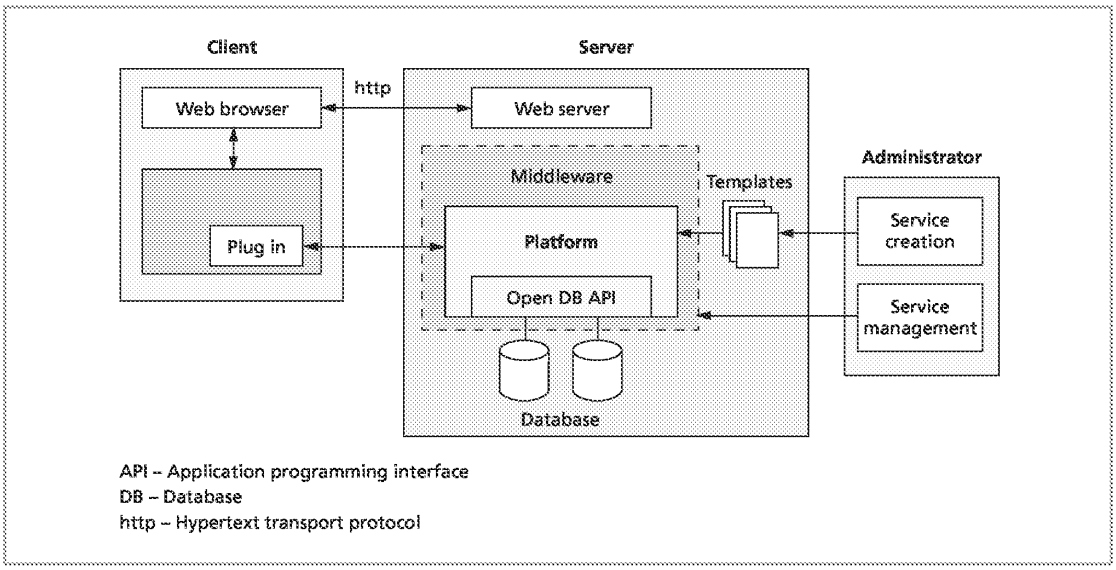


Figure 4.
MediaXact† system overview.

System Overview

The main components of the MediaXact system are shown in **Figure 4**. Two types of clients are shown accessing the server, reflecting the distinction of some of the functionality associated with the different types of clients described above.

At the front end, information providers and users can access Web services via a hypertext transport protocol (HTTP) connection with optional secure sockets layer (SSL) encryption to the host Web server using standard Web browsers. Examples of functions supported include product browsing and purchases, language filters, purchase order approval, order status tracking, catalog creation and deletion, and updates of product and user information (for example, pricing, product description, and user access privileges). When necessary, client-side modules that are downloaded from the server—that is, plug-ins—complement server-side codes. These include functions such as streaming of continuous media and encryption.

Back-end client access is used primarily by service and system administrators. This mostly involves manipulation of bulk data and configuration of services—functions that are not amenable to an HTTP transfer. Example capabilities include creation, deployment, modification, and deletion of services; service and database configuration; database updates, upload, and download; and service management. Note that there are some overlaps in functions between the front end and back end (for example, database updates). The end that is used depends mostly on the type of task and the quantity of data involved. For example, product catalog upload via a Web interface would be much more time consuming and cumbersome than via a back-end interface. The remaining discussion in this paper will focus on the server side and the administrative functions.

At the server, a commercial Web server is needed to establish communication with the client-side Web browser and pass the relevant requests to the MediaXact server. The MediaXact server consists of the following components:

- *Platform*. This component interprets incoming client requests, performs the functions requested (accessing the database if necessary), and dynamically builds the resulting page to be displayed at the client side using the appropriate templates. Database access is via a generic database interface.

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- *Templates*. These control the business logic associated with a given service as well as its look and feel. The templates determine what a user/client sees currently, and dynamically determine what the user/client will see next. The MediaXact templates use HyperText Markup Language (HTML) enhanced with a set of MediaXact *tags*; thus, modification of the templates requires no server down time. HTML controls the static part of the page (the look and feel), and the tags control the dynamic part of the page (the business logic). MediaXact tags act as markers for a *pagebuilder* (discussed below in "System Software Components" and "Template Processing" sections) to process and generate information dynamically from the specified back-end modules.
- *Database*. This is the repository of all content and user-related information.
- *Middleware*. This component provides a distributed computing environment for the various MediaXact software components. Services provided include the ability to distribute the components across multiple physical servers, to have multiple copies of the same components running both for load-balancing and reliability purposes, and to monitor performance of those components. Compliance of the middleware with common object-request-broker architecture (CORBA) provides for interoperability amongst the MediaXact software components and other CORBA-compliant software components.

These components reflect the general design principle of separating and decoupling the service presentation and logic from the service functions and contents. A *service* is a particular configuration of a set of functions acting on a set of contents. For example, an electronic storefront service for X can be described by the following:

- A set of templates showing the X branding and the process by which a potential customer or buying organization purchases X's products. The templates allow for user-specific functions such as user-specific catalogs, pricing, and billing.
- A set of functions that perform these tasks (for example, user authentication, a slide show to help the user browse through the catalog, and user-specific pricing calculation based on past usage history).
- A database of X catalog and user information, including purchase patterns and history.

The decoupling of these components in the MediaXact architecture means that each can be implemented and replaced without affecting the other components. For example, the templates can be reused regardless of how the functions are implemented and how the database systems are structured. This greatly increases the flexibility of the system as follows:

- Services can be created out of existing functions without requiring knowledge of the database schema.
- New functions can be added to the platform, and old ones can be modified, without affecting the logic of existing services or requiring the creation of new templates.
- Additional functions can be merged into existing services by modifying existing templates or creating new templates without requiring server down time. Functions can be implemented independent of the database structure by using a flexible naming scheme.
- Different database systems can be used, and databases can be replaced, without affecting the existing service logic or functional behavior.

System Software Components

Figure 5 shows a functional diagram of the MediaXact system software components. The components are grouped into *server run-time components* and *administrative functions*. Each of the components is described briefly below.

Server software components. The server components that function in the run-time environment include one or more Web access modules, a software router, one or more pagebuilders, template files, a core platform of component functions, configurations files, and an interface for accessing databases as follows:

- *Web access module*. For performance consideration, a simple lightweight process that interfaces with the standard Web server using

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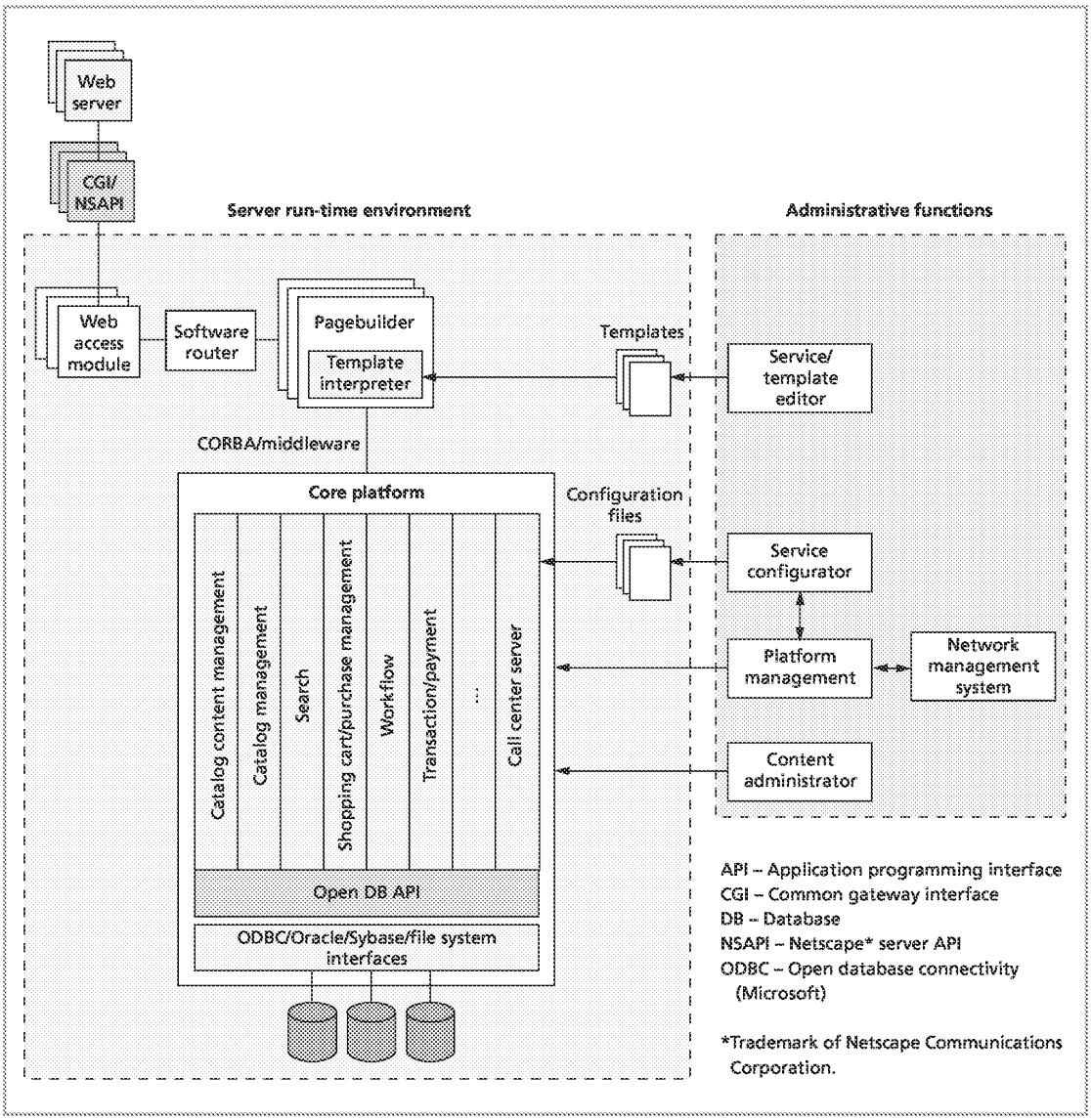


Figure 5.
MediaXact† software components.

either a common gateway interface (CGI) or a Netscape* server application-programming interface (NSAPI). It does nothing more than pass the appropriate parameters from the HTML page request to the pagebuilder (described below) for processing. The Web access module is co-resident with the Web server, whereas the remaining part of the system can reside elsewhere (that is, on another server).

- *Templates.* Described above.
- *Software router.* A software process responsible for automated distribution of requests from Web access modules across multiple page-

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builder processes, either on a round-robin or a loading basis. This provides for load balancing amongst available processing and communication resources.

- *Pagebuilder.* A persistent software process responsible for the interpretation and execution of templates. The pagebuilder locates templates and uses its template interpreter to parse arguments that have been passed to it by the Web access module. The pagebuilder then invokes the appropriate functions from the *core platform* (for example, search a particular database) and presents the results back to the user, using the appropriate template.
- *Core platform.* A set of *component functions (CFs)* responsible for executing all requested actions and storing all relevant data. All CFs can either reside on a single server or be distributed across multiple servers using the middleware. The core platform can also be used in a non-Web-based environment, for example, a traditional client-server application, by replacing the pagebuilder with a different front-end process. The MediaXact framework includes a general class hierarchy that provides the following interfaces for the instantiation of all platform functions (refer to Figure 8 in "Component Functions" section):
  - *Template interpreter*—allows the platform functions to be invoked by the templates,
  - *Component function registry*—allows the template interpreter to locate the platform functions,
  - *Configuration files*—system and service configuration files that specify the behavior of the functions (see *Configuration files* below), and
  - *Database API*—allows the function to access the database using the *open database (DB) API* (see *Open DB API* below).

  This platform framework and the functions that have been implemented are detailed later in the "MediaXact Platform Framework" and "MediaXact Component Functions" sections, respectively.
- *Configuration files.* These files provide specifics about how the system is configured for a given service (for example, the port number on the Web server for the service, or the locations and types of databases) and the functional behavior of the service (for example, which component functions are active on which database).
- *Open DB API.* The MediaXact system facilitates a virtual data exchange interface via an open DB API used by the templates and the core platform functions. This allows for a decoupling between the actions performed on the data and the underlying database structure, meaning that the core platform functions can be built regardless of where the data is stored and what the structure of that data is. This facilitates the integration of legacy systems into the MediaXact environment. This API is then adapted to the actual database interface used; the Microsoft* open-database-connectivity (ODBC) interface, relational databases from Oracle and Sybase, and a file system interface are currently supported.

At run time, the execution flow is as follows (refer to Figure 5). A user sends a request from a browser to the Web server by submitting form data or referencing a link. The Web server passes the request to the Web access module, which translates any input data into environment variables and invokes an appropriate pagebuilder as determined by the software router. The pagebuilder receives the request, logs some statistics about the user and the request, and locates the appropriate template necessary to handle the request. Based on the template, platform functions are called and a database is accessed as needed. Once all the requested functions have finished execution, the resultant HTML page is generated according to the template rules, and passed back to the access module for display at the client-side browser.

Further details of a MediaXact transaction are discussed in the "Template Processing" subsection.

Administrative components. To handle administrative tasks, the server provides a template editor, a service configurator, a platform management sub-

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system, a network management system, and a content administrator, as follows:

- *Service/template editor.* A graphical user interface (GUI)-based tool for help in creating new services that allows for straightforward modification and customization of GUI and business logic functionality. The tool provides template editing capabilities, template verification, and storyboarding of templates to create new services. Template verification is necessary to ensure that each template specified contains no syntax errors and to ensure that the links specified do exist. This tool would be used primarily by systems integrators in creating new services.
- *Service configurator.* A GUI-based tool to assist in configuring, installing, and deploying a new service. Part of the configurator is also responsible for setting the structure of the data associated with a given service, such as the names and types of fields associated with the product catalogs and the user profiles. Security policies associated with the different types of data are also administered via the service configurator.
- *Platform management.* A subsystem used for performance monitoring of the system and the deployed services. Message and event traffic among software components is tracked and can be used to identify performance bottlenecks. Depending on the conditions, additional software and hardware components can be deployed as appropriate.
- *Network management system.* A system responsible for managing the MediaXact system, as well as other systems in the network. The network management system treats the platform management system as an element management system.
- *Content administrator.* A component responsible for administration and management of the contents associated with a given application, such as the product catalog database or the user profile database.

MediaXact Platform Framework

The design of the MediaXact platform framework was driven by requirements such as software reusability, scalability, and extensibility. Special attention was paid to the definition of a service-independent framework that would allow developers to build a broad range of new services using well-defined platform APIs and a set of default software platform elements. This section describes the design and implementation of the main elements of the MediaXact framework, including its generic naming structure, templates, component functions, database structures, and configuration files.

MediaXact services consist of business logic and data combined. Business or service logic is developed as a flow (sequence) of instructions and executions of procedures in a MediaXact system. Such instructions are listed in a set of ASCII files called template files. The procedures, which are triggered by the instructions, are implemented in software elements called component functions (CFs). Templates, CFs, and the underlying data on which the CFs operate make the framework of the MediaXact system.

Generic Naming Structure

The data model and naming structure used in the MediaXact framework are similar to those of the UNIX* file system. The MediaXact framework defines nodes and variables. *Nodes* correspond to directories and *variables* correspond to files in a UNIX file system. Even the path syntax is inherited from the UNIX file system. For example, a path such as `/userData/billingAddress/city` addresses a variable with the name "`city`" that is contained in the subnodes "`billingAddress`" and "`userData`" and the root node "`/`". The path can be considered as a node/subnode or variable identifier.

Conceptually, the MediaXact data model consists of nodes and variables arranged in a hierarchical tree structure. This structure of nodes and variables was designed in order to provide node inheritance and grouping mechanisms.

Template Processing

The pagebuilder is the centralized coordinator that handles uniform resource locator (URL) requests and interacts with the MediaXact framework entities (such as templates, CFs, and configuration files). All user requests arrive as URL links, with optional arguments. The execution flow for the pagebuilder in processing a

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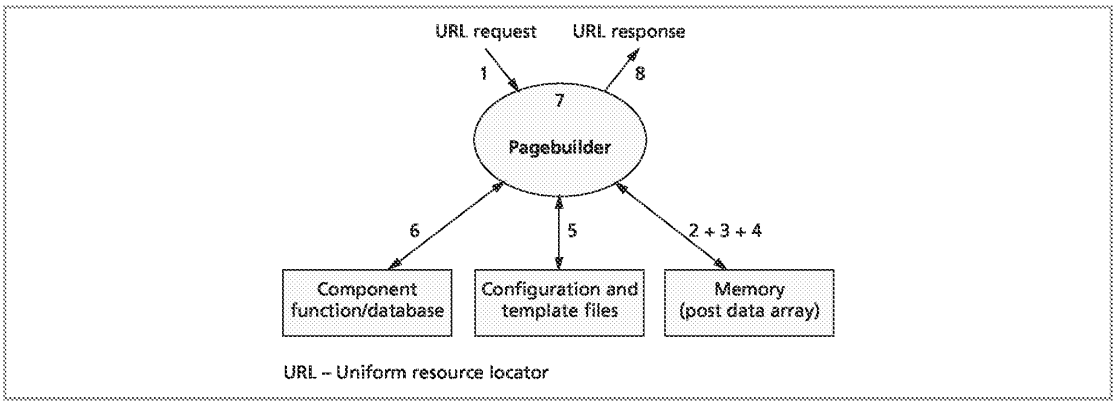


Figure 6.
Pagebuilder execution flow.

user request entails essentially eight steps, as follows (see **Figure 6**):

1. Receive a URL request.
2. Parse the URL request data and build a MediaXact internal post data array.
3. Perform basic authentication and build a list of access rights that the user might have.
4. Execute all actions listed in the post data array.
5. Search the template in the hierarchical template tree.
6. Determine the CFs needed and start the data requests (CF queries).
7. Substitute all tags in the template with the actual values coming from CFs, the post data array, or configuration files.
8. Send a URL response.

Building a post data array. An incoming URL request can include different data segments such as *get data*, *form data* (generally referred to as *post data*), *cookie data*, and *log-in data*. *Post data* and *get data* are organized as key-value pairs. The first step in processing an incoming URL request is for the pagebuilder to parse the incoming URL data and to store the key-value pairs in an array data structure. This array data structure is called the *post data array*.

Locating the template. The template directory structure uses the same data and naming structure as described earlier. A node represents a service/subservice and a variable defines a template name. Templates are stored in a tree-like structure and can be grouped according to individual services. The following example shows a template path. The last entry of the path indicates the template name. The MediaXact software uses the `*.htm` extension for template files. For example:

```
Page = /templates/warrenville/billing/
   purchase_order.htm
```

Template Tags

A template is an HTML file enriched with embedded MediaXact tags. As such, all the normal conventions of an HTML file are supported, along with integration of other scripting and markup languages, such as JavaScript* and Extensible Markup Language (XML).

The MediaXact tags define a language for specifying the formulation of dynamic data in the resultant HTML page. MediaXact tags are placeholders or markers for data types and values. Tags are specified by a start symbol "{ ---" and an end symbol "---} ". The results of MediaXact tag processing can be one of four data types: scalar, array, integer, or date and time. Currently, arrays are limited to three dimensions. Since HTML does not support the notion of data types, all values are ultimately represented as strings. There are three types of MediaXact tags: *query/update*, *reuse*, and *system* tags. In the remainder of this subsection, we categorize and briefly describe each type of tag, provide an example scenario, and list some of the advantages of the template-based approach.

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MediaXact *query/update* tags. These include *variable*, *table*, and *language* tags, which invoke CFs for operation on the specified parameters.

- *Variable tag (single data query tag).* The variable tag substitutes one value, which may be a scalar or an array. Its syntax is as follows:

  Syntax:
  variableTag = { --source TagExpression--}

  where *source* is the location from where data should be retrieved, and *TagExpression* is a function invocation, an expression, or a conditional statement.
- *Table tag (Bulk data query/update tag).* The table tag is used to make more sophisticated queries than are possible with a variable tag. Typically, table tags are used when the number of values that are going to be placed in an HTML page is not known a priori. Table tags are often combined with HTML tables, hence the name table tag. There are five sections associated with a table tag, all of which are optional. These include the *header*, the *row separator*, the *column separator*, the *empty cell indicator*, and the *footer*. The sections are enclosed between the table *start* and *end* tags. When the pagebuilder encounters a table tag in a template, it executes the CF query specified by the accompanying parameter lists. The result of that query may be a two-dimensional array of values. Typically, a query is done on a node and its subnodes. The CF will return a result that contains a row for the base node and one additional row for each subnode. Specific table tag parameters support ordered query results and filters for scoped searches.

  Syntax:
  TableTag =
  { --@*tableTagName*:[*genericParameterList*;]
  componentFunctionParameterList--}
  [*tableSectionsSpecifications*;]
  { --@/*tableTagName*--}

  where *tableTagName* defines the start of the table tag and the data source; *genericParameterList* contains the query parameter, which determines the table contents; *componentFunctionParameterList* contains CF-specific parameters; and *tableSectionsSpecifications* contains the five sections described above (header, row separator, column separator, empty cell indicator, and footer).
- *Language tag (text query tag).* Language tags are responsible for a variable/text substitution based on information contained within a language configuration file associated with a set of templates.

  Syntax:
  LanguageTag = ${ *variableName*}

  where *variableName* defines the name of the language variable stored in the language data file.

MediaXact reuse tags. This type of tag allows reuse of existing templates—for example, *include* tags can be used to include existing templates. The *include* tag does not require an absolute path specification for the template, since the template interpreter has a built-in template search-path capability.

Syntax:
IncludeTag = { --INCLUDE:*templateName*--}

where *templateName* is the name of the template file.

MediaXact system tags. These tags, which include *initialization* tags, *external* tags, and *commandName* tags, specify the sequence of function execution and the invocation of external CFs.

- *Initialization tags.* When the template interpreter parses the templates, the INIT tags are executed as the first action. Therefore, INIT tags can be used to prioritize the flow of execution. INIT tags can be used for user authentication, which is important if the template needs to be personalized based on user access rights. Since conditional statements (if ... else) are part of the MediaXact tag syntax, it is very easy to customize individual pages.

  Syntax:
  INIT *Tag* = { --INIT:*function*:*parameter*--}

  where *function* is the function to be called, and *parameter* includes parameters associated with the function.

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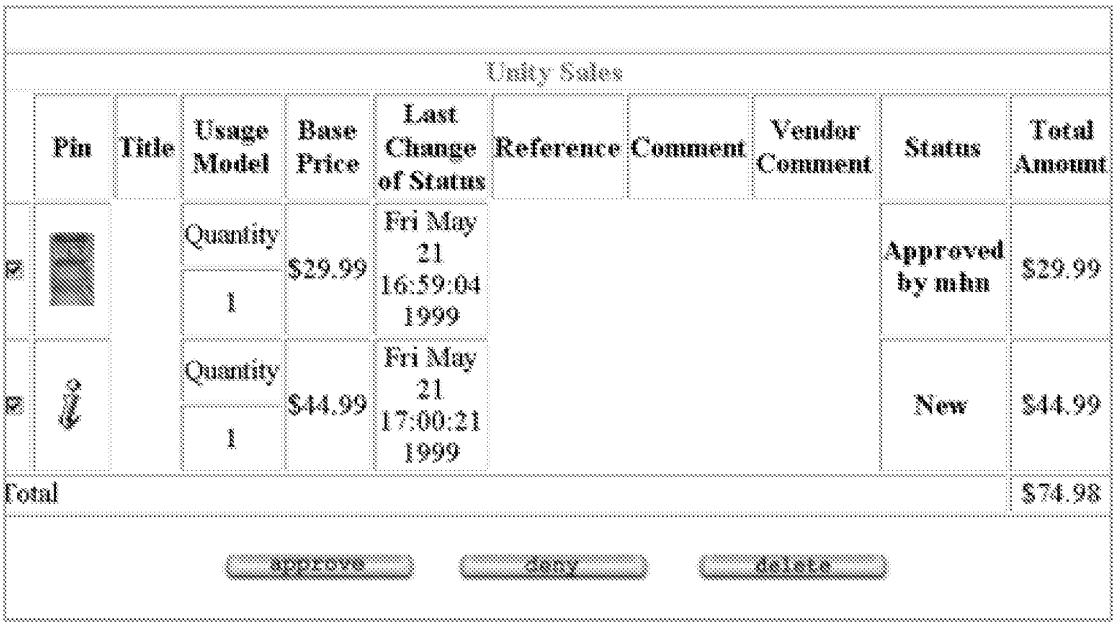


Figure 7.
Example of a purchase approval page.

- *External tags.* Many vendors provide tools for HTML-based applications. These generate either ASCII text results or HTML output for single operations such as encryption or decryption of data. Such programs can easily be integrated by defining an external tag and a command name in a template. Since the pagebuilder is able to execute a sequence of operations, it is easy to integrate external CFs that do not necessarily support *component function locator (CFL)* notation (see "Component function locator" section below). Based on the templates' instructions, the pagebuilder would substitute variables according to the configuration. An example could be the calculation of price based on an item quantity defined in a MediaXact CF, followed by applying an external program that encrypts and substitutes the price with an encrypted price string.

  Syntax:
  ExternalTag = {`--external:`*commandName*`--`}
  where *commandName* specifies the command and parameters needed to invoke the external application.

Example scenario. This example is taken from a purchase order approval service. A corporate user has selected two items from a vendor catalog and would like to place a purchase order. The purchase can only be processed if it is approved. The approval criterion is based on the user's corporate credit limit that is stored in the user's profile. If the price of purchase exceeds the user's credit limit then the purchase order cannot be processed and needs further steps.

Figure 7 shows an HTML page that displays a purchase order approval page. The picture shows a list of two items and three links represented by "approve," "deny," and "delete" images. If this user did not have to approve the item of the purchase order, then the "approve" and "deny" button would not be displayed. **Table I** and **Table II** show how the above-described business logic can be implemented. Table I gives a short sample template using JavaScript, HTML and MediaXact tags. Selected coded terms are highlighted

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Table I. Sample MediaXact† template using tags.

Template Example	HTML Result
{--profile:RO.order.approve=0?<!--;--} <A HREF="javascript:getSubmitConfirmation('${approve}', document.order_{--@rmSpecial(stock)--}, 'approve')"> <IMG SRC="/images/approve.jpg" BORDER=0>; </A>	<A HREF="javascript:getSubmitConfirmation('Approve ordering of checked items?', document.order__warrenville_triad_, 'approve')"> <IMG SRC="/images/approve.jpg" BORDER=0></A>
<A HREF="javascript:getSubmitConfirmation('${deny}', document.order_{--@rmSpecial(stock)--}, 'deny')"> <IMG SRC="/images/deny.jpg" BORDER=0>; </A> {--profile:RO.order.approve=0?-->;--}	<A HREF="javascript:getSubmitConfirmation('Deny ordering of checked items?', document.order__warrenville_triad_, 'deny')"> <IMG SRC="/images/deny.jpg" BORDER=0></A>
<A HREF="javascript:getSubmitConfirmation('${delete}', document.order_{--@rmSpecial(stock)--}, 'delete')"> <IMG SRC=/images/delete.jpg BORDER=0> </A>	<A HREF="javascript:getSubmitConfirmation('Delete checked items?', document.order__warrenville_triad_, 'delete')"> <IMG SRC=/images/delete.jpg BORDER=0></A>

Table II. Explanation of codes from Table I.

Coded item	Explanation
{--profile:RO.order.approve=0?<!--;--} ... {--profile:RO.order.approve=0?-->;--}	Indicates the start tag and the end tag of the order approval. If "approve=0" is true, the content between the start and end tags is processed.
getSubmitConfirmation(string,form,request)	A JavaScript* function that specifies the string to be displayed in a confirmation dialog box, a form specifier, and an action request.
${approve}	A language tag that substitutes the string "approve" with the information stored in the language configuration file.
{--@rmSpecial(stock)--}	A variable tag which replaces all characters other than 0-9, a-z, A-Z with "_"

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in bold text, and their explanations are given in Table II.

Advantages of templates. The following summarizes advantages of a template-based framework approach:

- Template modifications do not require recompilation of the system, since templates are interpreted at run time.
- *Include* tags allow reuse of templates that are the same for different services (for example, shopping cart and user profile pages).
- The template tags reduce the complexity of business logic.
- Tags can be service independent since the naming schema are defined in configuration files for each CF.
- Some tags specify bulk requests that can help to optimize performance and simplify query statements.
- The order of tag substitution can be defined by a system configuration file.

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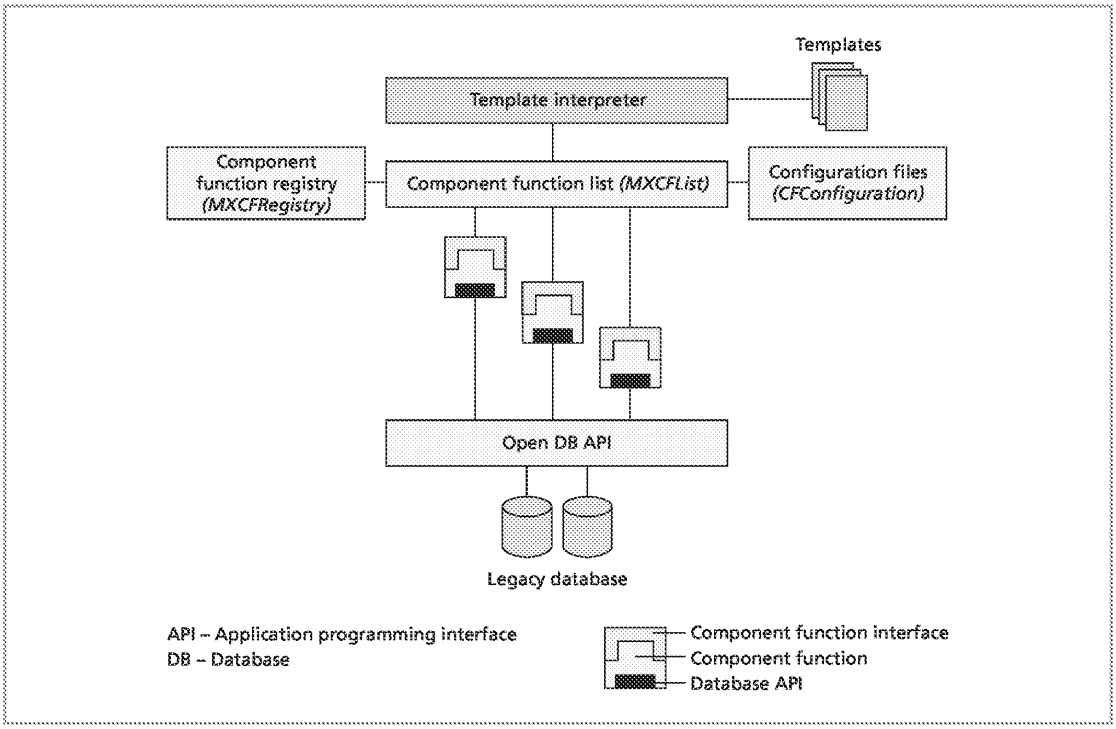


Figure 8.
Component function interfaces.

Component Functions

Conceptually, a component function implements business or service logic used by services. **Figure 8** shows the CF architecture described in this section.

Component function locator. A MediaXact CF is a software module that exposes an interface that supports a MediaXact CFL. Conceptually, CFLs are similar to URLs but can only be used in combination with the MediaXact framework. A CFL is a mechanism to address a specific CF and pass parameters to it. The CFL is used to support a uniform access interface to different MediaXact components. CFLs, which are embedded in MediaXact templates, have the following syntax:

Syntax:

CFL = source : / component-path & parameterList

where *source* is the CF name; *component-path* is the path in the CF hierarchy; and *parameterList* includes the key-value pairs and functions supported by the CF.

A CFL can specify optional functionality listed as key-value pairs in a parameter list variable. CFLs are MediaXact framework specific and standardized throughout the framework. The parameter list containing key-value pairs allows developers to invoke CF functions such as data query or update commands. In a network-based, distributed MediaXact system, a CFL can be used to access a CF remotely.

Component function implementation. The *MXCF class* is a generic interface class that exposes the MediaXact CFL interface. Each CF is inherited from the root *MXCF* class in order to be used as a MediaXact framework component. CFs are distinct software modules. The functionality of a CF is implementation dependent. The MediaXact platform consists of different CFs such as a generic database CF and more service-specific CFs like *authCF* (user authentication) or *catalogCF* (catalog management).

The MediaXact framework provides an infrastructure to embed CFs. Since each CF has to comply with

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the CFL interface, interoperability among different CFs is guaranteed. CFs are invoked by the template interpreter or by other CFs such as the *MXCFList*. The *MXCFList* component is a class derived from the generic class *MXCF* and inherits the CFL interface. The *MXCFList* component acts as a container CF and can be used to organize child CFs hierarchically. CFs are available as shared libraries that are loaded at run time. CFs are modules with defined parameters such as component name and type. All parameters are required to be registered in the system configuration file, which is discussed in a following section.

Component function registry and configuration. The *component function registry* serves as the MediaXact CF name server (refer to Figure 8). The *MXCFRegistry* is defined as a class and is responsible for registering CFs. The *MXCFRegistry* loads the data from the MediaXact system configuration and can be dynamically updated. The pagebuilder uses the *MXCFRegistry* to localize a particular CF, based on a CFL request.

The *CFConfiguration* class is used in combination with the *MXCFRegistry* and contains attribute information about each individual CF. The pagebuilder creates a *CFConfiguration* object based on the component configuration specified in the system configuration file.

The proprietary registry and configuration class could be replaced with a lightweight-directory-access-protocol (LDAP) interface, which would allow service providers to store CFL information in an LDAP database.

Generic Database Structure

The MediaXact system provides a generic database CF. The database CF accesses a relational database and acts as a data mapping function between the MediaXact hierarchical data and naming structure and the relational tables in the database. The database schema are defined to accommodate the generic MediaXact data model. The generic database CF supports a flexible data model that can be used to store and retrieve any HTML-related data. It is designed for fast user-interface prototyping and allows developers to prototype services with real storage capabilities. The advantage of the generic database CF is that the templates require no changes, even if the generic database CF is replaced with a more service-oriented database CF such as catalog management.

As described earlier, the data structure is defined in templates and the generic database CF is used to interact with the database. The database CF has no knowledge about the data structure defined for services. The down side of such a flexible data model is performance, which suffers especially during high volume updates or searches.

Database table definition. This section describes the database tables that are used in the generic database CF to support the flexible, hierarchical tree-based data model. Conceptually, the tables are used to store the key-value pair information for a MediaXact variable.

- MediaXact key-related tables:
  - *Node table*—specifies the node *name* and *nodeId*. The name is used for defining a path such as `/userData/billingAddr`. The nodeId is a unique identifier that specifies the parent-child node relationship.
  - *Node tree table*—specifies the parent-child association of the hierarchical node tree structure.
  - *Leaf table*—has two columns: the leaf *name* and *leafId*. The leaf name specifies the variable name and the leafId is used as an internal identifier similar to the nodeId.
- MediaXact value-related table (*item table*)—specifies three columns: *nodeId*, *leafId*, and *value*. The nodeId and leafId are used to identify the key of the key-value pair. The value column contains the actual variable value. The item table contains all values of a variable.

Examples of data structures. An example of a hierarchical data structure with nodes and variables is shown in **Figure 9**. The corresponding data structure can be stored in four tables as shown in **Table III**.

Consider a second example, illustrating the principle of variable inheritance. Assume that the variable `/userData/billingAddr/first_name` is called from a template but there is no such variable defined. In this case, the generic database CF would try to locate a value from the next parent node, which is `/userData`. Therefore, a variable at a particular node can serve as a default variable for subnodes. This approach helps to group data and reduces multiple

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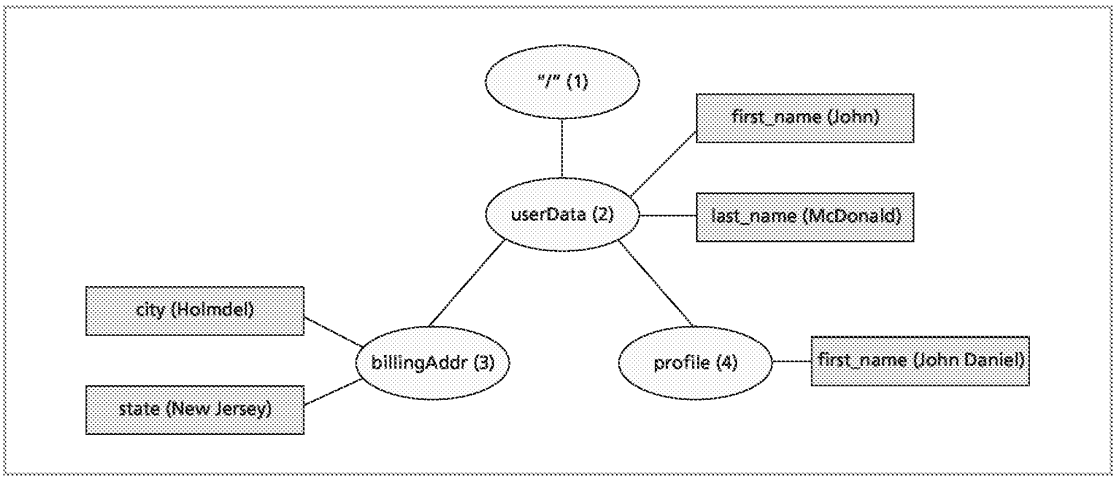


Figure 9.
Example of MediaXact† data hierarchy.

copies of the same data in a database.

Configuration Files

Under the configuration files portion of the server, there are both *system* configuration files and *service* configuration files.

System configuration file. The system configuration file contains system-wide parameters such as the location of the MediaXact server process, the names of all the CFs, the CF parameters, and the CF structure. The CF structure is based on the same node/variable identifier naming schema concept described earlier. Each MediaXact CF is defined by a unique parameter called *component type*. This parameter specifies the internal component name, which represents a node name. The component name is mandatory and must be listed in the configuration file.

Service configuration file. Creation of a new MediaXact service requires the creation of a service configuration file and an appropriate set of MediaXact templates. The service configuration file contains parameters and variables that can be used service wide. An example of such a service parameter could be an entry that defines "approval routing on/off" for one particular service. Developers or service providers can modify parameters in the configuration file or define new values. The service configuration file is loaded by the pagebuilder at startup, then interprets the variables and assigns them to CFs accordingly. Templates can access variables from the service configuration file by specifying a MediaXact query tag of type {`--config:`*variable*`--`}. The pagebuilder will substitute the variable tag with the appropriate value.

MediaXact Component Functions

This section highlights some of the MediaXact CFs that have been implemented thus far. As described earlier, CFs are the mechanism (wrapper) by which functionality can be easily incorporated into the MediaXact software. We have concentrated on components that were not readily available commercially at the time of project inception. Therefore, functions such as secured payment and tax calculation were not developed, as these software modules could be obtained elsewhere and integrated (for example from CyberCash, Open Market, or TAXWARE International).[2,3,4] Development of the CFs was also an opportunity to incorporate original Bell Labs research technologies (for example, image search and watermarking).

The internally developed CFs can be categorized as follows:

- *MediaXact core CFs*—application-independent functions provided as utilities to be invoked by other CFs,
- *Multimedia CFs*—functions for handling multimedia contents, and

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- *EC CFs*—EC-specific functions.

Some examples of each type are given below.

- MediaXact core CFs:
  - *Authentication*. The MediaXact system maintains an authentication database that contains user access privileges for the different applications supported. Depending on the EC application, a single authentication database can be used for the entire application (for example, a user who has successfully logged in has access to all areas of that application), or an application can be segmented into multiple sub-services, each with its own associated authentication database. Currently, this uses an internal MediaXact format, although LDAP is being investigated as an alternative.
  - *On-line help system*. This is a dynamically generated help system that can mirror the contents of the MediaXact template-driven Web pages. For example, a personalized purchase order approval page can have as a help page its replica with explanations inserted at all the appropriate fields. In other words, the contents of the help page are also driven by the contents of the original page.
  - *Language filter*. This simple CF replaces the value of its argument with the equivalent in the foreign language requested. This CF allows any MediaXact application to be supported in foreign languages as necessary.
  - *Event/email notification*. This is simply a CF that provides email notification to the user of an event.
- Multimedia CFs:
  - *Continuous media streaming*. When the data requested by the user is an audio or video stream, the continuous-media-streaming CF, which uses real time streaming protocol (RTSP),[5] provides real-time streaming capabilities using a plug-in on the client side. In the EC context, this CF allows vendors to provide enhanced on-line product information such as videos to potential buyers.
  - *Image search*. This CF is based on a Bell Labs research technology for image-content similarity searching. It has two functional blocks: image storage management (which allows users to categorize images) and content-based image search (which allows users to search for images with similar contents).
  - *Watermarking*. This CF is based on another Bell Labs research technology for embedding and extracting invisible watermarks in digital contents. The watermarks are embedded into the digital contents when a requisitioner requests a download. As this can be a time-intensive process, this CF

Table III. Data structure illustrating MediaXact† data hierarchy.

Node table	
nodeId	***name***
1	"/"
2	userData
3	billingAddr
4	profile

Node tree table	
nodeId	***parentNodeId***
1	1
2	1
3	2
4	2

Leaf table	
leafId	***name***
99	first_name
100	last_name
....	....
999	city
1000	state

Item table		
nodeId	***leafId***	***value***
2	99	John
2	100	McDonald
3	999	Holmdel
3	1000	New Jersey
....	....	....
4	99	John Daniel

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makes use of the MediaXact *event/email notification* core CF to inform the requisitioner of processing completion. The email contains a unique URL that points the requisitioner to the location of the watermarked content for download.

- EC CFs:
  - *Shopping cart*. This CF allows potential buyers to maintain a persistent record of their product selection before purchase.
  - *Billing*. This CF maintains records of all purchases made. It can be invoked by other CFs to provide past purchase history to users, as well as track user purchase history for customized services (for example, targeted product marketing or customer-sensitive pricing).
  - *Purchase order approval*. This CF supports an electronic purchase-order approval process. A requested purchase order is automatically routed to the next level in the user database hierarchy for approval until the request is satisfied. The approver(s) can be notified of the impending purchase order via the MediaXact event/email notification core CF. The requisitioner can also be notified of the order approval using the same function.

In addition to the above CFs, other software that was developed outside of the MediaXact project has been successfully integrated into the MediaXact CF framework, including the Lucent Internet Call Center, Open Market's Transact* secured payment software, and FedEx* shipment tracking software.

MediaXact Example Systems

This section describes two sample systems that have been implemented using the MediaXact transaction software:

- A virtual stock room system, and
- A Lucent Direct® prototype.

Virtual Stock Room System

The virtual stock room (VSR) system is intended for corporate employees to be able to order stock room items and track the status of their purchase orders online using a Web browser. **Figure 10** shows a functional view of the MediaXact VSR system with some of the CFs that are supported. The system uses a database from Sybase for catalog, user, and billing information storage. The types of clients and some of their respective capabilities are as follows:

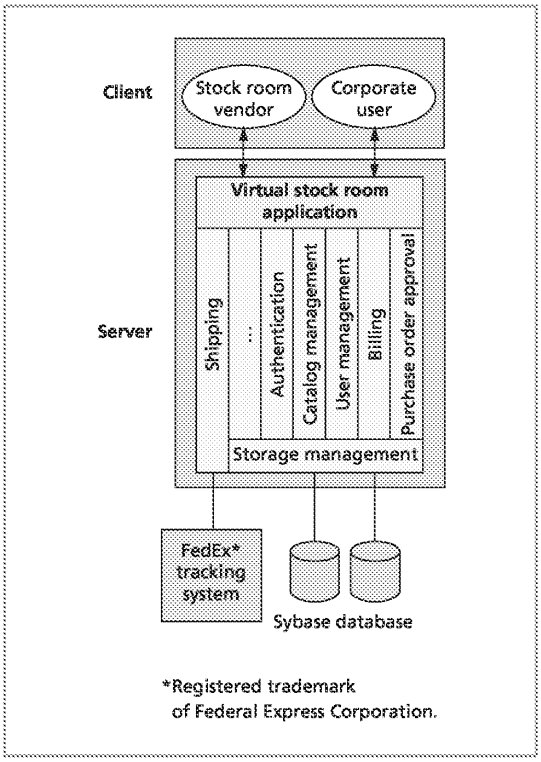


Figure 10.
Functional diagram of the virtual stock room system.

- *Stock room vendor*—capable of catalog management, user management, notification of order placement, servicing of product information requests from the user, and automatic linking to a shipping tracking system while servicing orders so that shipment labels can be generated at the same time.
- *Corporate requisitioner*—capable of multimedia catalog browsing, having product catalogs presented as slide shows, having a personal shopping cart, requesting additional product information, providing a user personal profile, online ordering, approval routing, and online tracking of shipped items.

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- *Corporate approver*—capable of e-mail notification of outstanding purchase orders and online summary of past group purchases.

Lucent Direct® Prototype

The Lucent Direct prototype is a system that allows potential Lucent customers to browse and order Lucent's enterprise products. In implementing this system, the following additional functions and CFs were developed:

- Support of customer-sensitive pricing, where product prices depend upon customer status;
- Integration of the Lucent Internet Call Center, allowing potential customers to contact agents live for help either in navigating through the system via shared Web browsing or for additional product information via text chats, Internet telephony, or NetMeeting* conferencing software; and
- Integration of a legacy Lucent Direct product database.

Summary

The world around us is rapidly changing. The Internet has the potential to radically change the ways in which we communicate, interact, receive information and entertainment, and purchase goods and services. For the Internet to survive and prosper, a business model to support it must be established. The heart of that business model will be EC. This paper describes the MediaXact system, which provides a flexible and distributed *framework*, and a set of *functions* for supporting EC. MediaXact software treats an EC application as being composed of three elements: the service presentation and logic, the underlying functions, and the information databases. A service is a specific configuration of functions, controlled by a set of templates, that acts on a set of data. The MediaXact system decouples these three elements, allowing each component to be developed independently or modified without affecting the other two. The use of templates and MediaXact template tags allow for personalization of the resultant EC application, down to the user level. Templates also enable services to be deployed and modified dynamically, without requiring server down time. The modular architecture of the component functions facilitates the development of new functions as well as the integration of third-party software modules.

A major dilemma with today's EC systems is that they require a large amount of customization and system integration work. The MediaXact system simplifies the development of EC applications by providing a configurable system with high reusability. This was demonstrated in the development of a virtual stock room system and a Lucent Direct prototype.

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Microsoft and NetMeeting are registered trademarks of Microsoft Corporation.

Netscape is a registered trademark of Netscape Communications Corporation.

Transact is a trademark of Open Market, Inc.

UNIX is a registered trademark of The Open Group.

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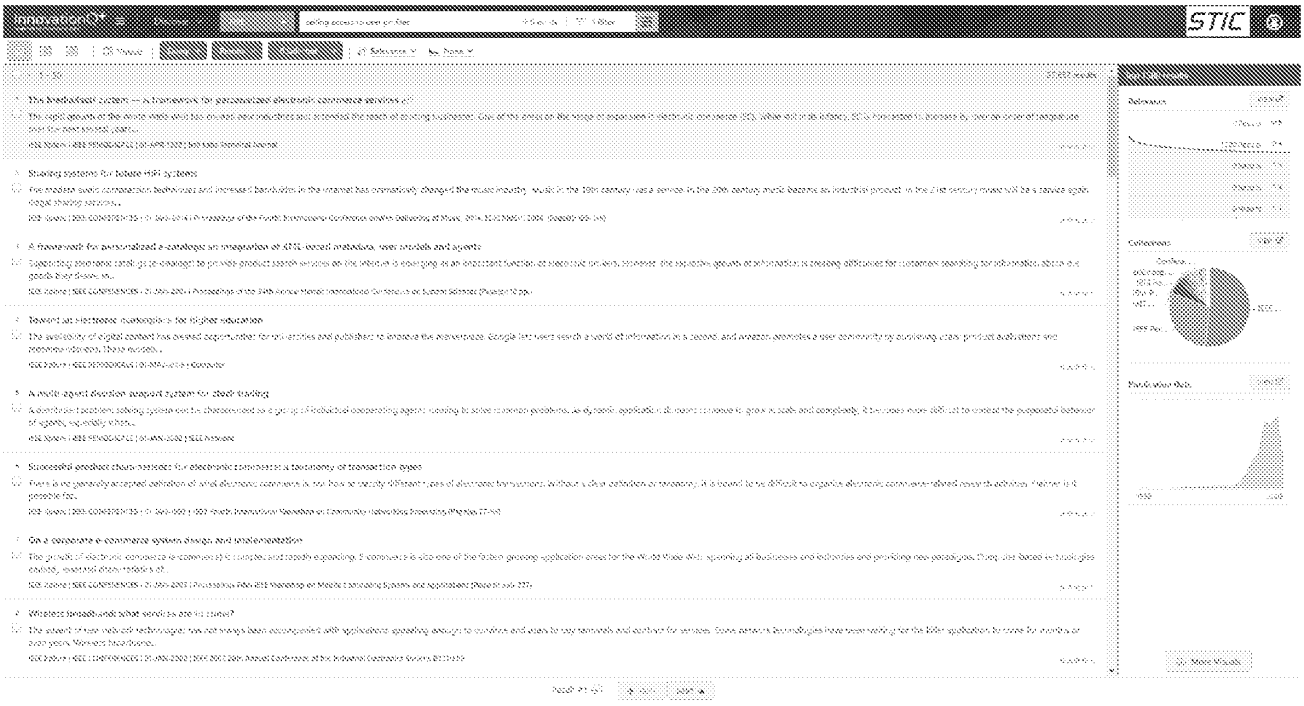
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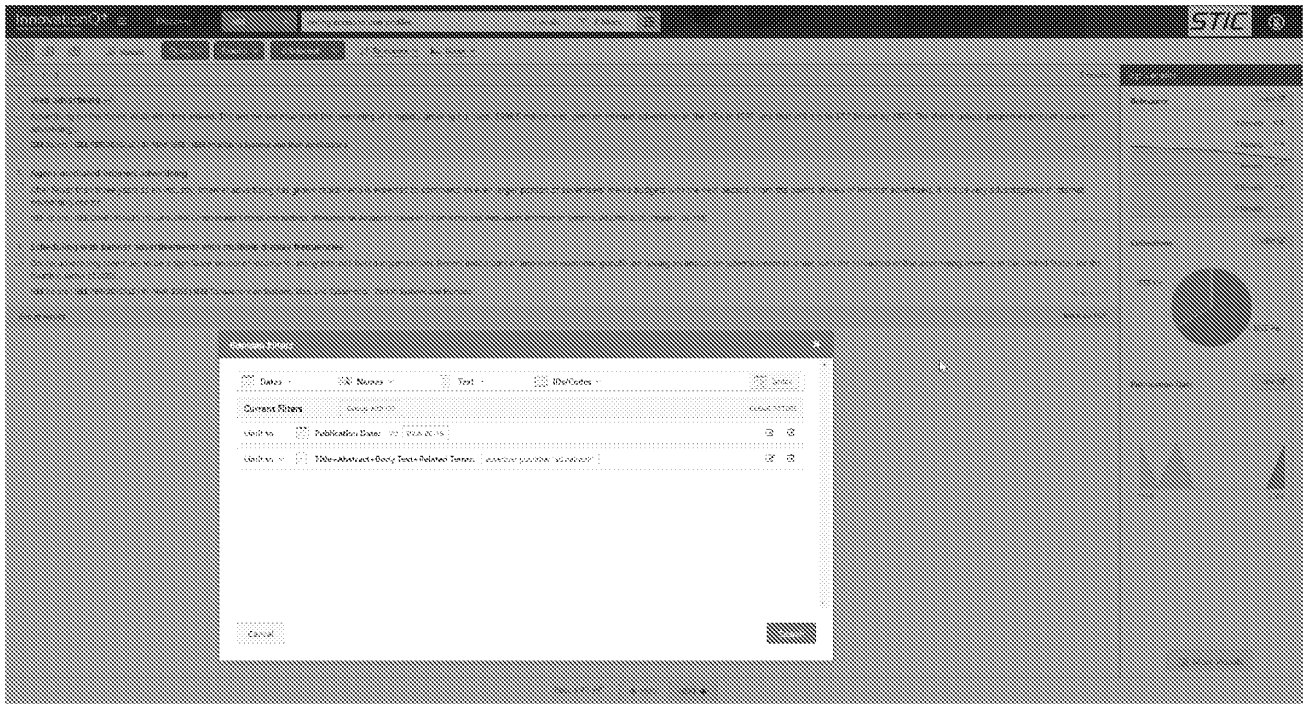
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Web Search History

date, time	web site	search string
2/5/2021 2:26:39 PM	Google	what is double-click
2/5/2021 3:39:18 PM	Google	shkedi
2/5/2021 3:39:30 PM	Google	roy shkedi
2/5/2021 3:43:38 PM	Google	almondnet
2/5/2021 3:47:22 PM	Google	wayback machine

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STIC
Current Filters
Cancel

Dialog

Report Information from Dialog

February 26 2021 13:12
Created by My Research account: (Michael Sittner)

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Search Strategy

Databases: ABI/INFORM® Professional Advanced, Abstracts in New Technology & Engineering, AdisInsight: Drugs, AdisInsight: Trials, Adis Pharmacoeconomics & Outcomes News, AGRICOLA, AGRIS, Allied & Complementary Medicine™, Analytical Abstracts, APA PsycInfo®, Aqualine, Aquatic Science & Fisheries Abstracts (ASFA), Australian Education Index, BIOSIS® Toxicology, BIOSIS Previews®, British Library Inside Conferences, British Nursing Index, Business & Industry, CAB ABSTRACTS, Chemical Business Newsbase, Chemical Engineering & Biotechnology Abstracts, Chemical Safety Newsbase, Civil Engineering Abstracts, Current Contents® Search, Derwent Drug File, Derwent Drug Registry, DH-DATA: Health Administration, Medical Toxicology & Environmental Health, DIOGENES® FDA Regulatory Updates, Drug Information Fulltext, Earthquake Engineering Abstracts, EconLit, Ei Compendex®, Ei EnCompassLIT, Embase®, EMCare®, ERIC, ESPICOM Pharmaceutical & Medical Device News, FDAnews, FLUIDEX (Fluid Engineering Abstracts), Foodline®: MARKET, Foodline®: PRODUCT, Foodline®: SCIENCE, FSTA®, Gale Group Computer Database™, Gale Group Health Periodicals Database, Gale Group New Product Announcements / Plus®, Gale Group Newsletter Database™, Gale Group PharmaBiomed Business Journals, Gale Group PROMT®, Gale Group Trade & Industry Database™, GEOBASE□, GeoRef, Global Health, HSELINE: Health and Safety, ICONDA - International Construction Database, IMS Company Profiles, IMS New Product Focus, IMS Pharma Trademarks, IMS R&D Focus, IMS R&D Focus Drug News, Inspec®, International Pharmaceutical Abstracts, Jane's Defense & Aerospace News, King's Fund, KOSMET: Cosmetic Science, Lancet Titles, Material Safety Datasheets -OHS™, Mechanical & Transportation Engineering Abstracts, MEDLINE®, Meteorological & Geoastrophysical Abstracts, Morressier Life Science Conference Abstracts and Posters, New England Journal of Medicine, Northern Light Life Sciences Conference Abstracts, NTIS: National Technical Information Service, Oceanic Abstracts, PAIS International, Paperbase, PAPERCHEM, ProQuest Advanced Tech & Aerospace Professional, ProQuest Biological & Health Science Professional, ProQuest Dissertations and Theses Professional, ProQuest Environmental Science Professional, ProQuest Materials Research Professional, ProQuest Newsstand Professional, ProQuest Technology Research Professional, Prous Science Daily Essentials, Prous Science Drug Data Report, Prous Science Drugs Of The Future™, Registry of Toxic Effects of Chemical Substances (RTECS®), SciSearch®: a Cited Reference Science Database, Social SciSearch®, ToxFile®, Transport Research International Documentation, TULSA™ (Petroleum Abstracts), UBM Computer Full Text, Weldasearch®, Zoological Record

Set#	Searched for	Results
S17	(s16 and selling)	6°
S16	(s4 and cookie)	34°
S15	(S1 and S4)	1°
S14	(s13 and advertiser and publisher)	0°
S13	(((roy near/2 shkedi) or (Almond pre/0 (Net or group))) and (pd(<20050619) and (stype.exact(("Scholarly Journals" OR "Dissertations & Theses" OR "Trade Journals" OR "Conference Papers & Proceedings") NOT ("Wire Feeds" OR "Newspapers" OR "Magazines"))))) and (stype.exact(("Scholarly Journals" OR "Conference Papers & Proceedings") NOT "Dissertations & Theses"))	9°
S12	(((roy near/2 shkedi) or (Almond pre/0 (Net or group))) and (pd(<20050619) and (stype.exact(("Scholarly Journals" OR "Dissertations & Theses" OR "Trade	18°

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	Journals" OR "Conference Papers & Proceedings") NOT ("Wire Feeds" OR "Newspapers" OR "Magazines"))))) and (stype.exact(("Scholarly Journals" OR "Trade Journals" OR "Conference Papers & Proceedings") NOT "Dissertations & Theses"))	
S11	(s10 and advertiser and publisher)	11°
S10	S1 and S2	488°
S9	((roy near/2 shkedi) or (Almond pre/0 (Net or group))) and (pd(<20050619) and (stype.exact(("Scholarly Journals" OR "Dissertations & Theses" OR "Trade Journals" OR "Conference Papers & Proceedings") NOT ("Wire Feeds" OR "Newspapers" OR "Magazines"))))	31°
S8	((roy near/2 shkedi) or (Almond pre/0 (Net or group))) and (pd(<20050619))	58°
S7	(Datonics or (roy near/2 shkedi) or (Almond near/3 (Net or group))) and (pd(<20050619) and (stype.exact(("Scholarly Journals" OR "Dissertations & Theses" OR "Trade Journals" OR "Conference Papers & Proceedings" OR "Books" OR "Government & Official Publications" OR "Other Sources" OR "Working Papers") NOT ("Newspapers" OR "Wire Feeds" OR "Magazines" OR "Blogs, Podcasts, & Websites"))))	737°
S6	(Datonics or (roy near/2 shkedi) or (Almond near/3 (Net or group))) and (pd(<20050619))	1243°
S5	(Datonics or (roy near/2 shkedi) or (Almond near/3 (Net or group))) and (pd(<20060619))	1351°
S4	((profile near/15 link[*4]) near/15 (tag or cookie or (tracking pre/0 pixel))) and (pd(<20060619))	104°
S3	(profile near/15 (cookie or tag or (tracking pre/0 pixel))) and (pd(<20060619))	10363*
S2	(profile and (cookie or tag or (tracking pre/0 pixel))) and (pd(<20060619))	208936*
S1	(partial near/6 profile) and (pd(<20060619))	11093*

* Duplicates are removed from the search, but included in the result count.
° Duplicates are removed from the search and from the result count.

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Personalization versus Privacy: An Empirical Examination of the Online Consumer's Dilemma

Author: Chellappa, Ramnath K; Sin, Raymond G

Publication info: Information Technology and Management 6.2-3: 181-202. Springer Nature B.V. (Apr 2005)
ProQuest document link

Abstract (summary): Personalization refers to the tailoring of products and purchase experience to the tastes of individual consumers based upon their personal and preference information. Recent advances in information acquisition and processing technologies have allowed online vendors to offer varieties of web-based personalization that not only increases switching costs, but also serves as important means of acquiring valuable customer information. However, investments in online personalization may be severely undermined if consumers do not use these services due to privacy concerns. In the absence of any empirical evidence that seeks to understand this consumer dilemma, our research develops a parsimonious model to predict consumers' usage of online personalization as a result of the tradeoff between their value for personalization and concern for privacy. In addition to this tradeoff, we find that a consumer's intent to use personalization services is positively influenced by her trust in the vendor. Our findings suggest that: 1. online vendors can improve their abilities to acquire and use customer information through trust building activities; 2. it is of critical importance that vendors understand and evaluate the different values consumers may place in enjoying various types of personalization. [PUBLICATION ABSTRACT]

Links: Check USPTO-STIC for Availability

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Language: English

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Copyright: Springer Science + Business Media, Inc. 2005

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Database: 3 databasesView listHide listABI/INFORM® Professional Advanced, ProQuest Advanced Tech &Aerospace Professional, ProQuest Technology Research Professional

Keywords in context:

Full text: ... profiles allows vendors to target customers on a oneto-one basis, which in turn helps them in improving customer satisfaction, developing customer loyalty, and increasing cross-selling possibilities [1,43]. For example, a consumer who has already personalized her shipping and gift information on one Web-based retailer may exhibit some inertia in moving ... to construct reasonably accurate consumer profiles. A recent report from the FTC2 observes, Although the information gathered by network advertisers is often anonymous (i.e., the profiles are linked to the identification number of the advertising networks cookie on the consumers computer rather than the name of a specific person), in some cases, the profiles derived from tracking consumers activities on the Web ... to explicitly disclose most of this information. In addition to solicited information, personally unidentifiable information also often involves the use of sophisticated tracking technologies, e.g., cookies, clear gifs, etc. Such technologies, though not identifying a customer individually, enable the information collecting entity to sketch an effective customer profile.(c) Personally identifiable ... what may be perceived to be an intrusive profile. For example, a recent survey by the Personalization consortium shows that only 62% of people accept cookies although it is well known that cookies do not carry any personal information but can only aid in creating the profile of an anonymous individual. Doubleclicks recent purchase of Abacus and the ...

Document 2 of 6

Examination of Internet marketing relative to traditional promotion in the development of Web site traffic

Author: Mark, John L.

Publication info: Capella University, ProQuest Dissertations Publishing, 2003. 3112988.

ProQuest document link

Abstract (English): The Internet revolution has dramatically changed the way businesses compete with each other; the way customers shop; and the way companies collect, store, and process data on customer behavior. This study examined Internet marketing relative to traditional promotion and its effectiveness in developing Web site traffic. The findings suggest that (a) traditional offline promotion (i.e., television advertising, radio commercials, and print advertising) has been integrated with online (Internet) marketing to achieve the objectives of building brand awareness, promoting core value and Web address, and reaching mass audiences; (b) personalization (i.e., treating customers as individuals and using interactive dialogue to provide personalized products and services to match their needs) reflects the core strategy in Internet marketing for generating repeated customer visits on the Web site; and (c) measuring Internet marketing response through the common metrics (i.e., unique visitors, length of the Web session, click-through ratio, and conversion rate) is every bit as important as tracking traditional promotion. The added advantage of measuring Internet marketing for effectiveness is the ability to link specific online advertising and promotions to a specific customer response.

Links: Check USPTO-STIC for Availability

Subject: Web sites;Studies;Marketing;Advertising;Interactive marketing

Classification: 0338: Marketing

Identifier / keyword: Social sciences, Internet, Marketing, Promotion, Web site traffic

Number of pages: 160

Publication year: 2003

Degree date: 2003

School code: 1351

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Source: DAI-A 64/11, Dissertation Abstracts International

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Advisor: DeCaro, Frank P.

University/institution: Capella University

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Degree: Ph.D.

Source type: Dissertations &Theses

Language: English

Document type: Dissertation/Thesis

Dissertation/thesis number: 3112988

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Updates:
2013-07-232013-07-232014-01-152014-01-212015-08-282016-05-172020-05-052020-08-252020-09-102020-10-12

Database: ProQuest Dissertations and Theses Professional

Keywords in context:

Full text: ... traditional marketing mix. For example, promotion within the traditional marketing mix has encompassed the two distinct and often complementary sales tools of advertising and personal selling historically known as pull and push. The marketers attempt to pull the customer to a product, showcasing it in a non- Reproduced with permission of ... a top-down, bottom-up, or hybrid fashion (Thuraisingham, 1999). To judge the quality of the data mining with limited data from the Webs log files and cookie files, effective Web database management is critical. A key emerging technology for enhancing Web-mining quality is digital libraries (Internet data management), which are essentially digitized ... study by META (1997) forecast growth in the area of data mining driven by database marketing. The study cited applications such as customer-retention management, cross-selling and up-selling, channel and pricing analysis, and customer segmentation analysis. It mentioned that driven by the need for Internet database marketing, data-mining technology is rapidly becoming mainstream (Mena, 1999). One of the major data-mining applications is cookie technology, which allows a Web site to store a visitors information. The many reasons a Web site would use cookie technology include the ability to personalize information, provide help with online services, or simply collect demographic information. Cookie technology ensures an accounts confidentiality and security, making it easier for customers to navigate through the Web site (Brain, 2002). Within the Internet industry, marketers use cookie technology to track a visitors browsing and buying habits. In this realm, the technology enables marketers to target advertising banners based on customers interests. For example, cookie technology allows Amazon.com to tailor its appearance to suit a customers established preferences. Cookie technology also makes shopping cart technology possible. For example, when a customer selects item to purchase in an online shopping session, cookie technology makes it possible for the customer to continue shopping and to check out later (Brain, 2002). Reproduced with

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permission of the copyright owner. Further ... customer (Greer &Murtaza, 2003). Amazon.com, a major Internet company with no physical storefront, has successfully applied the collaborative filtering technique, which is ideal for selling books, CDs, and videos. During a customers first purchase from Amazon.com, an account is opened. Upon each Reproduced with permission of the copyright owner. Further ... site. Zshop aimed to attract the thousands of small merchants who were eager to use the Web as a new distribution channel, including those currently selling through eBay (Carpenter, 2000). Through the Zshop program, Amazon.com hosts hundreds of small e-commerce providers on its own Web site. These shops gain access to ... lead to conclusions about the total number of visitors and visits that were made to a Web site. Data Integration. Web traffic data must be linked to the marketing databases, which include customer profiles and registration. Cookie technology provides an accurate method of creating this linkage, verifying that the same visitor has accessed the Web site regardless of the Internet Protocol (IP) address that is used to make the connection. A cookie is a unique identifying code that the Web server gives to the browser to store locally on the computer during the first visit to the Web site. The cookie is designed to identify Web site visitors as they come to the Web site. Cookies benefit Web visitors by making individual requests much more traceable, resulting in a greater understanding of how the Web site is being used and therefore creating a reliable Web measurement. Cookies also benefit Web visitors by allowing Web sites to recognize repeat visitors. For example, Amazon.com uses cookie technology to enable its one-click book ordering. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Examination of Internet Marketing13 3 Filtering ... Coding and Common Server Log File Information Major coding stageData SourceKey Information 1.Awareness and search 2.Interest and evaluation 3.Desire and Trial 4.PurchaseCommon server log file/cookie Common server log file/cookie Common server log file/cookie Common server log file/cookieInternet protocol (IP) address, user name, and requests Internet protocol (IP) address, user name, and requests Internet protocol (IP) address, user name, ... Boudreau, M., Gefen, D., &Straub, D. (2001, March). Validation in information systems research: A state-of-the-art assessment. MIS Quarterly, 1-24. Brain, M. (2002). How Internet cookies work. How Stuff Works. Retrieved December 24, 2002, from http ://www.howstuffworks. com/cookie.htm Breen, B. (1999, September 16). Building stronger Internet identities. Marketing, 25-26. Brengman, M., Geuens, M., Weijters, B., Smith, S., &Swinyard, R. (2003). Segmenting ... than 90% of its traffic from sponsorship and advertising. The annual revenue in 2001 was $1 billion (Morningstar, 2002). eBay (www.eBay.com) is a cyber-forum for selling more than 8,000 categories of merchandise. It offers online person-to-person trading for buyers and sellers of personal items such as antiques, coins, collectibles, computers, memorabilia, ...

Document 3 of 6

Politicizing privacy: 'Focussing events' and the dynamics of conflict

Author: Todd, David Jeffrey Alan

Publication info: University of Victoria (Canada), ProQuest Dissertations Publishing, 2001. MQ58552.

ProQuest document link

Abstract (English): In the past, the issue of information privacy has rarely captured the attention of the political agenda beyond the enactment of national data protection regimes. However, there is compelling evidence to suggest that privacy is an "issue whose time has come". While analysis of the politics of privacy has tended to examine the various dimensions of the policy cycle, a rationalistic and technocratic approach obscures the often neglected and politically salient dimensions of privacy: the politicization of privacy issues and the dynamics of privacy conflicts. To explore this notion, two recent high-profile privacy conflicts are presented, one in the public sector of Canada over Human Resource Development Canada's 'Longitudinal Labour Force File', and one in the private sector involving the Internet advertiser DoubleClick Inc. Evidence of shared processes and similar dynamics is presented, as well as insights into the new politics of privacy and the emergence of a privacy industry.

Links: Check USPTO-STIC for Availability

Subject: Political science;Politics;Privacy;Conflicts;Studies;Marketing;Information systems

Classification: 0615: Political science0723: Information science0338: Marketing

Identifier / keyword: Communication and the arts, Social sciences

Number of pages: 158

Publication year: 2001

Degree date: 2001

School code: 0244

Source: MAI 39/05M, Masters Abstracts International

Place of publication: Ann Arbor

Country of publication: United States

ISBN: 978-0-612-58552-2

Advisor: Bennett, Colin J.

University/institution: University of Victoria (Canada)

University location: Canada

Degree: M.A.

Source type: Dissertations &Theses

Language: English

Document type: Dissertation/Thesis

Dissertation/thesis number: MQ58552

ProQuest document ID: 304727675

Document URL: https://dialog.proquest.com/professional/docview/304727675?accountid=151862

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First available: 2010-06-17

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Database: ProQuest Dissertations and Theses Professional

Keywords in context:

Full text: ... that an organization that they are dealing with does not provide the protections that they desire, as in the case of a direct marketing company selling personal information about an individual in a list, that individual may choose to 'opt out1 of the distribution list to satisfy their privacy concerns. 79 ... interview. "There's a huge market out there for personal information, for marketing purposes in particular. We've already 0 t \ seen municipal and provincial governments selling databases." The Department of Human Resources had the opportunity to respond to the conflict in a number of newspapers across the country in the initial ... review of the current privacy legislation that governs the public sector.230 Another article focussed attention on other recent privacy issues, including Ontario's ministry of transport selling personal information to private companies earlier this year. The article also reported on an incident from last year when Elections Canada "misplaced" a Manitoba Highway ... to another privacy problem involving the "extreme right". As the Minister noted, "(i)t is

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interesting that the Harris government, particularly the ministry of transportation, is selling confidential driver data including home addresses to private companies, the companies that the hon. member said should not have them. Do members know what hurts? ... educational records, motor vehicle registration, and telephone records. However, a number of activities that concern personal information are not protected by law, such as the selling of bank and medical records, and workplace surveillance such as keystroke monitoring. A number of states have state level sectoral legislation, and almost 278 Katz ... Review. Vol. 52, p. 1623. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 93 personal computers can reveal confidences by accepting cookies, also known as "persistent client-side hypertext transfer protocol files".289 Cookies are the digital equivalent of an identification tag, which website operators place on the hard drive of web users to identify the user as a previous visitor and allow the site to match the details of the previous visit. Most web browsers are configured, to automatically accept cookies, and consequently the placing of cookies goes unnoticed in the background, and without consent. I will further explore how the use of cookies can be problematic in a later section on online profiling. The second dimension of the privacy horror show is the collection of information by Internet ... up to eighty-five percent of web sites collect personal information.292 This information is typically collected using a variety of techniques, including through the use of cookies, through filling in information in online application and registration forms, and via sweepstake and contest schemes. In addition to personally identifiable information, other information ... or advertising supported software (adware) is a case in point. One way in which shareware293 authors can make money from a developed product, other than selling it to their users, is to offer a version of software that is supported by advertising. While many users will consider this a fair trade ... employ techniques that track the individual's activity on the Web. One of the most prevalent techniques to accommodate this is through the utilization of 'cookies'. There are two types of cookies: session cookies and persistent cookies. Session cookies are used to communicate to the web server that a particular individual is engaged in a session with the web server.298 Session cookies expire once the browser is closed. Persistent cookies, on the other hand, do not necessarily expire, and may be used to identify an individual when they return to the site that placed the cookie. "Web bugs" are also used to collect information on individuals. Also known as clear gifs or lxl gifs, web bugs are tiny one pixel ... bug image, the time that the bugged page was accessed, the type of browser that the individual is using, and the identification number of any cookie on the individual's computer that was placed by the web server. The existence of a web bug can 297 See DoubleClick's ad serving solutions at http://www-doubleclick.net/us/advertisers/adserving/default.asp7asp object 1 =& 298 For example, a session cookie might be used to confirm that an individual has certain permissions to access pages that might not be accessible by others, as in the case ... searching through the actual source code of the page that contains the web bug. In some circumstances, web bugs can be used to place a cookie on a computer to synchronize an email address with a cookie i.d., rendering an anonymous profile personally identifiable.299 Cookies and web bugs are limited in the types of information that they can collect. This includes the type of information that is on the website ... purchases, whether an individual "clicked" on an advertisement on a page (click-throughs), and the website address from which the individual came from (the referring page). Cookies can collect this information without the consumer ever even clicking on an advertisement banner. Typically, the information that is collected by network advertisers is anonymous. Rather than identifying individuals by name, profiles are often linked to the identification number of the cookie that is placed on the individual's computer by the advertisers web server. However, a number of network advertisers derive their profiles by merging the non-identifiable information in cookies with personally identifiable information. There are two common and prevalent methods of identifying an individual to merge personally and non-personally identifiable information to complete the ... information or the use of services such as free email. This information is then provided to the network advertiser. In this case, a previously anonymous profile consisting of information retrieved from cookies could be linked to an individual by a different identification number provided by a cookie containing the personal information. A second way that a profile can be made personally identifiable is if a website incorporates personally identifiable information into a URL (uniform resource locator) string that is transmitted to a network advertiser through its cookie. For 299 See Richard M. Smith's "The Web Bug FAQ", http://www.tiac.net/users/smiths/privacy/wbfaq.htm Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 98 ... on the Internet, these consumer profiles can be extremely detailed. Some network advertisers claim that their profiles contain as many as 800 different "interest categories".301 Cookies placed by network advertising companies can track individuals on any website that is served by the network advertiser, allowing data to be collected by the ... by network advertisers appear seamless on the web pages in which they are displayed. Furthermore, the visitor to the website has no knowledge that a cookie is being placed on his or her machine unless the default setting in the web browser being used to view the page has been changed to provide notification of cookie placement. Unless a website 300 In this regard, the URL string might be composed something like this: http://www.privacyinvasivesite.com/newuser/david todd/bd08091974g=male.htm In this hypothetical example, privacyinvasivesite.com lists ... vague language that does not communicate the implications of profiling. For example, network advertisers encourage their partner websites to post that "third parties" may use cookies to assist in the personalization of the surfing experience and to provide content relevant to your preferences. 304 DoubleClick, Inc. Press Release. DOUBLECLICK, INC. AND ... combination of this data with DoubleClick's profiles of online clickstream data provides the companies with an opportunity to deliver potentially perfectly

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targeted advertisements. By using cookie technology to positively identify a web browser by an identification number and matching that information with identifying information, DoubleClick would know exactly who the person ... matched with the offline data. 305 ibid. 306 Craig Bicknell, "DoubleClick's Single Focus: You", wired news: www.wired.com June 14, 1999, 2:30 p.m. PDT. 307 The Cookie that DoubleClick places identifies the web browser, not the individual. For example, if a number of people used the same web browser for using the Internet, DoubleClick's Cookie records the navigational and transactional information of all the users from the same Cookie(s). Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 101 The Dynamics of Conflict Initial Publicity DoubleClick's decision to merge with ... privacy policy states Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 102 DoubleClick claims not to collect personal data through the cookies that are placed when an advertising banner is displayed, they do facilitate the exchange of data in its network of more than 1300 websites and ... of the copyright owner. Further reproduction prohibited without permission. 103 network out of 75 million people per month who view DoubleClick ads and receive their cookies. Escalation To protest the proposed merger of DoubleClick and Abacus, privacy advocates and consumer groups planned to launch a relentless campaign reminiscent of campaigns ... merger would only make economic sense if their intention was to link the 88 million household files in the Abacus database with the 30 million cookies in the DoubleClick DART database. The letter also described how the DoubleClick and Abacus network would combine information resources to profile consumers both on the ... the copyright owner. Further reproduction prohibited without permission. L04 opt-out mechanism that DoubleClick uses is particularly problematic. When one opts-out of the DoubleClick network, a cookie is placed on the machine that tells the DoubleClick server not to place a cookie. If someone deletes his or her cookie file, the opt-out cookie is also deleted and the individual will no longer be opted-out of the system. The coalition against DoubleClick noted the inadequacy of the cookie technique suggesting it was analogous to "an inn keeper offering do-not-disturb signs instead of locks on guest room doors."319 DoubleClick opponents also wanted assurances that the DART system, which delivers targeted ads to consumers with the use of cookies, would live up to the company's privacy policy. The policy promises not to collect "any personally identifiable information about you, such as your name, ... state that "if you are willing to issue a guarantee that the merged entity and successors will never associate a name and address with a cookie without the affirmative informed consent of the individual concerned, please state this in public."321 In addition to formally objecting to the DoubleClick and Abacus merger ... A workshop on Online Profiling would be jointly sponsored by the FTC and the U.S. Department of Commerce to examine online advertising firms use of cookies and use of tracking technologies to develop targeted, user-profile based advertising campaigns. On the eve of the FTC Online Profiling workshop, a number of rights ... 339 "Open Letter sent to managers of socially responsible mutual funds", 11/19/1999. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 112 cookies served per week with 2 billion personally identifiable consumer catalog transaction records was described by Jason Catlett as "a full frontal attack, funded by Wall ... January 27, 2000, a Californian woman filed a suit in Marin County Superior Court against DoubleClick, accusing the Web advertising firm of unlawfully collecting and selling consumers' private information.349 The lawsuit, Judnick vs. DoubleClick Inc., 343 This inriicatps that this type of information is cookie information. 344 DoubleClick Press Release: "DoubleClick Completes Merger with Abacus Direct". November 23, 1999. http://ir.doubleclick.net/ireve/ir site-zhtml?tickep=DCLK&script=410&lavout=-6&item id=66808 345 USA Today, January 25, 2000. 346 Courtney ... practices. 353 "Who appointed them the Big Brother of cyberspace?" asked 350 Reuters, "DoubleClick sued over privacy: Internet advertising company accused of unlawfully obtaining and selling consumers private personal information." January 28, 2000. www.zdnet.com/zdnn/sto ries/news/0.4S86.2429053.00.html?chkpt=zdnnrla 351 Sandheep Junnarkar, "DoubleClick accused of unlawful consumer data use". CNET News.com, January 28, 2000. http://www.cnet.com/news/0-1005-20Q-1534533.html ... notify consumers of DoubleClick's data-collection practices and offer an opportunity to opt-out. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 118 cookie with "two clicks".369 Doubleclick also announced that it would provide full page advertisements in the New York Times and other papers across the country. Doubleclick ... respectfully request that the FTC enjoin Doubleclick and the Abacus Alliance from tying individuals' names, addresses, phone numbers, and emails to information collected through DoubleClick's cookies; and, prohibit Web sites from registering their subscribers or visitors in the Abacus Alliance profiling system without their affirmative consent, which cannot be made ... were being 'outed' for their relationship with Doubleclick. When visitors used the Alta Vista search engine, each term search was relayed to Doubleclick via a cookie. Alta Vista later reversed the practice of recording search terms in cookie files. Fallout On March 2, 2000, Doubleclick issued a Press Release with a statement from the company CEO Kevin O'Connor: "Over the past few weeks, ... for the Digital Age. Toronto: University of Toronto Press. 1996. p. 68-93. Reuters, "Doubleclick sued over privacy: Internet advertising company accused of unlawfully obtaining and selling consumers private personal information." Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 155 January 28, 2000. www.zdnet.com/zdnn/stories/news/0.4586.2429053.00.html?chkpt=zdrmr1a Regan, Priscilla M. Legislating ...

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The institutionalization of conflicts in cyberspace: A study of the conflict over online privacy

Author: Leizerov, Sagi

Publication info: George Mason University, ProQuest Dissertations Publishing, 2001. 3003055.
ProQuest document link

Abstract (English): The disheartening condition of consumers' privacy online is a burning issue that is of great interest to the public, the hi-tech industry and the U.S. government. Pursuing several research objectives, this study attempted to understand the major forces operating behind the conflict over online privacy for improving its management as well as the management of other Internet conflicts.

The main objective of this research was to understand what aspects of the online marketplace affect the approaches different Internet companies take regarding their customers' personal privacy and, consequently, reveal the forces affecting the institutionalization (management) of Internet conflicts in general. A broader research objective, a theoretical derivative of the previous objective, was the development of the theory of conflict institutionalization in respect to large-scale, technology-oriented conflicts.

To accomplish the above objectives, 145 randomly selected websites of the following denominations were studied: (a) websites of different industries; (b) websites of different commercial types; (c) Internet companies that are privately held and publicly held; (d) websites that have an 'off-line' affiliation and those that operate solely online; (e) websites that target consumers of a specific gender; and, (f) websites that participate in privacy seal programs. A content analysis questionnaire was designed for analyzing the privacy practices of the websites in the sample on 6 different variables. Those 6 variables were: (1) compliance with privacy regulations; (2) attitude of compliance with privacy regulations; (3) intrusiveness in data collection; (4) integrity; (5) trust building through responsible privacy practices; and, (6) transparency and accountability.

The research objectives were accomplished, and both specific and general findings were consequently derived. The specific findings are presented in the format of recommendations to Internet users for protecting their privacy, as well as policy recommendations aimed at the FTC for improving the management of this conflict. From a broader perspective, the study was successful in identifying economic, commercial and consumer-related variables that can be generalized for the analysis of other Internet conflicts. Finally, the findings allowed for the development of the theory of conflict-institutionalization by identifying elements of complexity that can impede such processes in the future.

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Keywords in context:

Full text: ... data trails can capture the websites the individual visits and provide a "profile" of her online life (Mulligan &Berman, 1999). Technologies such as "cookies" that are written directly onto a users hard drive, enable websites to surreptitiously collect information about an individuals online activities and store it for future use. Designed for the benign purpose of enabling websites to recognize a repeat visitor and respond accordingly, cookies were quickly adopted by websites to facilitate the tracking of a specific individual's activities at websites for the purpose of customizing content and advertising. Other companies combine information generated through the use of cookies with personal information collected from other non-Internet related sources into fully identifiable profiles of the individual's online and offline behavior. One has to keep in ... without permission. 19 Evidence of the growing market for detailed personal profiles of individuals is rampant on the Internet. Personalized portals, the pervasive use of cookies, or other bits of data that websites store on visitors' computers aid sites to personalize and target content and advertising (these terms are further ... without making many purchases (Berry &Linoff, 1997). Enterprises have two distinct types of external use for the information in their databases. The first is selling customers information to other companies (Gandy, 1993; Smith, 1994). For instance, Safeway charges 5.5 cents per name to suppliers who want their coupons or special ... send to customers, ads that are directly tied to the consumption habits of those individuals. The second common external use of customer information is the selling of lists of customers according to unique characteristics that distinguish the group and are of interest to the buying company (Linowes, 1989; Smith, 1994; Garfinkel, ... one of the most well known ways for companies to collect detailed personal information about an individuals purchasing habits. Credit card companies are notorious for selling the personal information of their customers after dividing them into different consumers types and groups. Even without the cooperation of credit card companies, when customers ... a million and an unwanted solicitation is quickly disposed of. In 1996, when New

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Jersey Senator Richard Cody tried to pass a bill outlawing the selling of personal information, the Direct Marketing Association (DMA) argued in its defense that the nations $600 billion direct marketing industry would fall apart (Garfinkel, 2000). ... renovate, websites are relatively easy to manipulate. The continuos computerized monitoring of consumers online is a particularly valuable tool in the hands of online retailers selling products and services, because of the basic mutability of online environments (Peters, 1999). Cookies One of most common tools in the hands of Internet companies for the purpose of monitoring their customers is the use of cookies. An Internet cookie is a unique piece of code that is sent by a website and saved on a surfers hard-drive. This cookie sends the information it holds regarding the users previous selections on the website whenever this site is revisited. Cookies contain information such as log-in or registration data, online shopping cart selections, user preferences, and other websites visited. (Center for Democracy and Technology, 2000c; Gruenwald, 1998). There are a number of valid reasons for a company to use cookies on a site. These reasons include, among others, security, personalization of content, marketing and customer service. Research indicates that cookies can be a legitimate tool for the purpose of improving users online experience without impinging upon their privacy. To better understand what the online world would be like in the absence of cookies, it is instructive to consider how a supermarket would fair if it could not organize their aisles based on the behavior of Reproduced with ... a storekeeper could not greet a repeat visitor (Cohen, 2000; Mabley, 2000b). However, there is an important, yet widely ignored, distinction between the use of cookie tracking on a single companys sites versus tracking across different sites. Simply, Cookies were originally designed in such a way that only the site that sets them can identify them. In other words, the early developers of the ... invisible images on their ads that are pulled from the networked sites, companies who produce banner ads have succeeded in overcoming the technology limitations of cookies and can now track users throughout the Internet. The concern of privacy advocates is that these cookie profiles would then be linked with third-party consumer databases that contain off-line information such as name, address and date of birth (Peters, 1999; Mabley, 2000b; U.S. Senate, 2000). Internet Advertising ... do not merely supply banner ads; they also gather data about the consumers who view their ads. This is accomplished primarily by the use of cookies and web bugs which track the individuals actions on the Internet. Among the types of information that can be collected by network advertisers are the ... is one of the criteria studied in this research. The information gathered by network advertisers is often, but not always, anonymous. In other words, the profiles are frequently linked to the identification number of the advertising networks cookie on the consumers computer, rather than to the name of a specific person. These data are generally referred to as non-personally identifiable information. In some ... upon how the personal information is retrieved and processed by the website, the personally identifying information may be transmitted to the network advertiser through its cookie (FTC, 2000e). Consumer data can be analyzed in a number of ways. It can be combined with demographic and psychographic data from other sources, it ... a consumer on any website served by that company, thereby allowing data collection across disparate and unrelated sites on the Internet. In addition, because the cookies and web bugs used by ad networks are generally persistent, their tracking occurs over an extended period of time, resuming each time the individual logs ... with solutions such as annonymizers (i.e., software that allows one to either surf the net without transmitting any identifiable information or that transmit false information), cookie cleaners (software that rejects cookies and erases them from computers hard drives), and various encryption software that allow for the encryption of messages (Peters, 1999; U.S. Senate, 2000; Abreu, 2000; ... from their customers (category E in section 3 A of the CAQ). Part 4 measures integrity as it corresponds with admitting to the use of cookies and allowing third parties to use cookies on the domain. Part 5 focuses on trust building measures that the sites in the sample may or may not take to create social bonds ... example, alaskaairline.com). The websites assigned to the health' category were those companies that offered medical information or medicine (webmd.com). To the 'retail' industry any website selling consumer products that do not fall under any of the other industry categories studied were assigned (americangreetings.com). The websites assigned to the 'entertainment and sports' ... of information, a search engine, personalization services and a free email service (yahoo.com). The sample was also divided according to the companies commercial type. Websites selling products were categorized as retailers. Websites selling services (online travel agents, for instance) were categorized as sellers of services. Websites that provide information or services for free (as portals do) were categorized ... a site was categorized as targeting a specific gender if the content or products it offered indicated such an orientation. For example, rampage.com, a website selling women fashion and women.com, a site providing feminine information, were both categorized as womens websites. The third stage of the gender assignment was based on ... presented on the website. The research was conducted using Microsofts Internet Explorer 5.0. The browser was configured to alert on any attempt to place a cookie on the computer. All cookies were erased from the computers hard drive before reviewing the next website. The research was done on a single computer to avoid any hardware related ... ignores the adoption of practices that would not reflect positively on their companies balance-sheets in the near future (Laverty, 1996; Loescher, 1984). Not only that selling online profiles of consumers can be an important financial contribution to a struggling upstart, handing consumer information appropriately and securing it may require expanses for ... for identifying the right options are delineated in appendix 1). To evaluate the attitude of compliance with the security practice, the question of third party cookies is used. Influenced by the obtrusive practices of online advertising agencies and online direct marketers (see chapter 4 for the discussions titled online advertising agencies and online profiling), question 2.5 touches on whether the sites tested allowed third parties to place cookies on their consumers hard-drives. This practice puts the personal information of Internet users in the

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hands of companies with security and privacy practices of which the user is unaware. The issue of third party cookies is of concern mainly because it is often done without alerting the attention of the consumer (unless the consumer re-configures its Internet browser as was done in this research) and the cookies placed can be of an extremely obtrusive nature, to the extent that the third party can follow the consumer to other websites she may visit ... with the customer). Another aspect of intrusion that was recorded in this section of the research is whether the site allowed third parties to place cookies on their users hard drives. The use of cookies by the site itself was not considered as an intrusive act since, as was discussed in chapter 4, cookies, when placed by the domain itself, often have a legitimate and functional purpose. The risks to privacy in third parties cookies are presented above in the discussion of part 2 of the CAQ. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 180 ... the sample was measured by configuring the browser to notify whenever the site or a third party working with the site attempted to place a cookie on the computers hard-drive. A website would be considered to be lacking in integrity only if the use of cookies (by the site or a third party) is rejected or is not discussed in its privacy policy or statement. In the discussion of part 3 of the CAQ, it was stated that the use of cookies by the domain is considered as functional rather than intrusive and therefore incurred no penalty. Part 4 of the CAQ does not subscribe to a different dogma. A domain incurs a penalty here for placing a cookie on its users hard drives only if it fails to notify the user of this practice or outright lies about it. Explaining CAQ Part 5 ... difference was found among the seven industries on most of the questions in part 2. Question 2.5 (whether the domain allowed third parties to place cookies on its users hard drives or not) was the only question in part 2 where a difference of statistical significance was found. The Kruskal Wallis ... had the highest mean rank for this question (98.25) (suggesting that companies belonging to this industry were least inclined to allow third parties to place cookies on their users hard drives), while Portals had the lowest mean rank (46.9; less than half of the Travel industry). Reproduced with permission of the ... t-test results for that same question were t(143)= -2.26, p=.012 (one-tailed) with the means of38.07 for the companies giving information and 42.92 for the companies selling products and services. Due to great variations in the sizes of the three groups and considering the proportionally small size of the sell services group ... significantly on most of the questions in part 2 of the CAQ. Only on question 2.5 (whether the domain allows for third parties to place cookies on users hard drives) and question 2T5 (total grade for attitude of compliance with the FIP) did the two commercial types differ significantly. Table 1.2b ... their integrity. The Kruskal Wallis test was applied for testing the differences between the seven industries on their integrity in regard to their use of cookies on the domain, as well as the use of cookies by third parties on the domain. The seven industries were found to significantly differ on both question 4.1 and 4.2 (significance of .004 and .011 ... of integrity (88.36 and 88.18 respectively), while Portals and especially the Health industry presented low (i.e. lack of) integrity in regard to the use of cookies on their sites (62.25 and 46.55 respectively). Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 197 Results for CAQ part 5 ... results for that same question were t(143)= -3.08, p=.001 (one-tailed) with the means of 57.98 for the companies giving information and 67.14 for the companies selling products or services. Due to great Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 199 variations in the sizes of the ... The t-tests results were as follows. Disparity between information needed and information collected (question 3.1): t(143)= -4.37, p<.001 (one-tailed). Allows the use of third party cookies in domain (question 3.2): t(139.91)= -2.83, p=.002 (one-tailed, equal variances not assumed). Total of part 3 (question 3T2): t(143)= -4.61, p<.001. Results for CAQ part ... questions and their total statistically differed as indicated in hypothesis 2.3. Question 4.1, which studied the integrity of companies in regard to their use of cookies in the domain, had the following t-test results: t(91.87)= -2.91, p=.002 (one-tailed, equal variances not assumed). Question 4.2, which studied the integrity of companies in regard to the use of cookies by third parties on their domain, had the following t-test results: t(129.08)= -2.31, p=.012 (one-tailed, equal variances not assumed). Question 4T2, which totaled the two ... the site and the information it actually collected had the following results: t(143)= 2.5, p=.006 (one-tailed). Question 3.2, which studied the use of third parties cookies on the domains had the following results: t(122.29)= 3.29, p=.0005 (one- Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 205 tailed, ... their total presented statistically significant differences in accordance with hypothesis 2.4. Question 4.1, which studied the integrity of companies in regard to their use of cookies in the domain had the following t-test results: t(143)= 2.34, p=.011 (one-tailed). Question 4.2, which studied the integrity of companies in regard to the use of third parties cookies on the domain had the following results: t(143)= 2.06, p=.02 (one-tailed). Question 4T2, which totaled the two preceding questions had the following results: t(143)= 2.67, ... found between the two Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 217 samples grades for question 2.5 (allowing third party cookies on the domain). The t-test results for this question were t(65.99)= -3.42, p<.001 (one-tailed, equal variances not assumed). As was indicated above, the two samples ... compliance). Correlating 4T2 with question 2.5 found a correlation of, r(143)= .329, p=.001, which suggests that sites that do not allow third parties to use cookies on their domain present higher degrees of integrity in revealing their cookies-related practices. Question 6.3, visibility of the link to the privacy policy on the homepage, was correlated with a few of the other questions. A ... to Internet users for protecting their privacy online. These options include, simply providing a false name when possible, setting the Internet browser to reject all cookies, and using special software to encrypt and anonymize themselves while online. The more savvy Internet users are in using computers and their applications, the ... economic potential. Beyond a firms economic potential, a publicly traded company has

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a better chance to survive because of the funds it can generate by selling its common stocks. Popularity increases a companys chances of survival because it indicates consumers interest. In its report of May 2000 (FTC, 2000d), the FTC ... other third parties that might be working with a particular site, the users are encouraged to set their Internet browser to notify them before a cookie is placed on their hard drive. This author does not recommend rejecting all cookies because cookies served by the domain itself (i.e., the website of choice) can greatly contribute to the interaction with the site and improve the consumers online experience. The cookie notification function of both Netscape and Explorer (the two most common browsers on the market today) provides users with a Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. 243 detailed message that includes the name of the company that is attempting to place the cookie. This allows the users to reject only those cookies that do not bear the name of the domain they visit. Recommendations derived from the research can be divided into the general and the specific. ... withheld from them, but strict control by Internet users over the collection of their personal information while interacting with such companies (including the use of cookies and clear-gifs by the domain and its affiliates) is important to retaining control over personal privacy. It is also recommended that users prefer sites that ... prohibited without permission. 245 5.1 confirmed, intrusiveness indicates a lack of integrity by the site in the use of both their own and third party cookies. Internet users do not need to refer to part 3 of the CAQ for calculating whether a site is intrusive or not. When asked ... information for free commercial type, although evident in the off-line world (e.g., newspapers that are given away with no charge and make their profit by selling advertising space) is hardly as prevalent in the off-line marketplace as they are online. This complex of similarities and differences between the off-line and online ... Privacy? The Industry Standardl May 15, 51. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. APPENDIX 1: GLOSSARY OF RELATED TERMS Cookie = A packet of information sent by a website to the computer of its visitor and then sent back by the original website each time the visitor revisits it. Cookies can contain any arbitrary information the website chooses and are used to authenticate or identify a registered users of the website without requiring them to ... C=3 D=1 3.2Does not allow third parties to use cookiesY=9 N=1 3T2Total grade for category Part 4 Integrity 4.1Does not admit to the use of cookies but attempted to place a cookieYes=l No=9 4.2Does not admit to the use of cookies by third parties, but third parties attempted to place a cookieYes=l No=9 4T2Total grade for category 9 The degree of information collected by the site ...

Document 5 of 6

Pardon me, am I personally identifiable?

Author: Goodby, Jeffrey

Publication info: Print 54.6: 115,152. F & W Publications, Inc. (Nov/Dec 2000)

ProQuest document link

Abstract (summary): Goodby discusses how advertising on the Internet evolved from irritating but successful banners to an insidious tool for studying how consumers buy, what they care about, what they think and who they are. These methods work by placing a "cookie" on an individual's computer, which won't reveal any identifiable information about the person but will reveal one's IP address, domain type, browser type, operating system and what web pages one views.

Links: Check USPTO-STIC for Availability

Location: Silicon Valley-California, San Francisco California

Language: English

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Volume: 54

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Pagination: 115,152

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First available: 2010-06-10

Updates: 2013-12-18

Database: ABI/INFORM® Professional Advanced (1971 - current)

Keywords in context:

Abstract: ... insidious tool for studying how consumers buy, what they care about, what they think and who they are. These methods work by placing a "cookie" on an individual's computer, which won't reveal any identifiable information about the person but will reveal one's IP address, domain type, browser type, operating ...

Full text: ... ever known for studying how we buy, what we care about, what we think, and who we are. That's where the big money is now, selling this information, and it's worth thinking about what's going to happen next. This research is being carried out by companies with names like DoubleClick, CMGI, ... many think, without adequate or explicit-enough permission. When you visit a particular Web site or respond to an ad, a coded identifier called a "cookie" is placed into your computer. While the cookie doesn't expose your actual identity, it does give the researcher a lot of "non-personally identifiable" information about you: your IP address, domain type (.net, .com, ... of the Web's ebb and flow. What advertisers really desire, however, is "personally identifiable" research, in which actual names and addresses are attached to the cookies. Researchers get this information in a couple of controversial ways, generally referred to as "opt out" or "opt in." When you're filling out a ... to opt out. If you fail to notice the box, or think it's not worth checking, this will often be taken as express permission to link your name to the cookie and start merchandising the daylights out of your personal profile. Other advertisers may ask you to "opt in," or check the box if you indeed desire to be ineluded for "enhancement" or "advertising personalized ... that it can "deliver" over "20 million opt-in names in 260 categories." In fact, in a wave of enthusiasm over the future of matching up cookies with personalized information, a number of online researchers have recently affiliated with direct marketing houses, adding even more depth to the profiles they're selling. DoubleClick merged with Abacus Direct; 24/7 set up a special agreement with a company called Naviant that collects product registration information. By the end of 1998, the whole personalized information selling business had become one big optimistic party, spilling out into the street, toasting a future in which our buying, our choices, and even our thinking ... price up. After all, the biggest shareholders are sitting around the board table." I asked him whether he knew of any actual instances of people selling such lists in the past. "Believe it," he said. "If they can, they will. They could, and they have." Off in some distant server closet, I could feel the cookies slouching inexorably toward the personal identity lists. Something to think about the next time you Buy In One Click. Jeffrey Goodby is a founding partner ...

Document 6 of 6

MATCHING ADS TO EYEBALLS FIRM TRACKS NET SURFERS TO MAKE DATABASES - MINUS PERSONAL DATA: [THIRD Edition]

Author: Bray, Hiawatha

Publication info: Boston Globe [Boston, Mass] 22 Feb 2000: D.1.

ProQuest document link

Abstract (summary): Mention the Internet company CMGI Inc., and people think first of its sky-high stock price, or perhaps a string of glittering acquisitions, such as the popular AltaVista Internet search service. But for CMGI chief David Wetherell, the heart of the business is Engage Technologies Inc., a five-year-old firm that has

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quietly collected a treasury of detailed information about millions of Internet users.

Engage is vital to the plan. It exists to capture data on the millions of visitors to CMGI's own sites, as well as to many other Web locations. Using custom software, Engage figures out Web surfers' tastes and interests. That information lets Engage target them with advertising that's far more likely to attract eyeballs - and dollars.

Perhaps the most impressive thing about the Engage database is what's not in it: personal information about Internet users. Engage thinks it's found a way to reliably deliver personalized information to Web surfers without knowing who they are.

Links: Check USPTO-STIC for Availability

Subtitle: [THIRD Edition]

Language: English

Publication title: Boston Globe

Pagination: D.1

Publisher location: Boston, Mass.

Document type: Feature

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Copyright: Copyright Boston Globe Newspaper Feb 22, 2000

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Database: ProQuest Newsstand Professional

Keywords in context:

Full text: ... name and address data," Schaut says. "There's no e- mail address . . . no user-identifiable data." This is made possible by the use of cookies - little bits of coded information that can be loaded onto a Web surfer's computer. When you visit a particular Web site, such as Yahoo, the site's computer can put a cookie onto your computer. And you can create a customized version of the Yahoo site, with only those features you want to see. Whenever you return, the Yahoo computer will read the cookie on your computer to recall the features you asked for. All of this can be done without collecting any personal information from the user. Cookies were invented to allow Web sites to deliver personalized services without having to know anything about the person. But cookies are used in a more controversial way by Emerge's biggest rival, New York-based DoubleClick Inc. Founded in 1996, DoubleClick also built its business plan around ... firm that would precisely target Internet advertising to the most likely prospects and to measure the ads' success. Only in July 1999 did Engage begin selling its Engage Knowledge profiling service. By then, the company had created a network of popular Web sites where visitors receive cookies. Once Engage attaches a cookie to someone's Web browser, the company can track that person's travels to any other site in the Engage network. The system tracks "recency, frequency, and ... is run through a sophisticated program that assigns a numerical score to the user's interest in stocks and links it to the user's Engage Knowledge cookie. At least 35 million Internet surfers have been tracked by Engage, and each of them has a profile that measures interest in 800 different categories. "We're selling a score," says Andonian, a set of numbers that estimates your likely interests and tastes. This score is used to send targeted ads. Visit any Engage-linked Web site, and it will use your cookie to look up an anonymous but detailed profile. This profile determines which ads you'll see. Show a customer an ad for a product that truly interests him, and it's much more likely ...

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Search Strategy

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Set#	Searched for	Results
S9	(s7 and advertis[*4]) and (pd(2003))	1°
S8	s7 and advertis[*4]	28°
S7	s5 and s6	36°
S6	request[*4] near/5 profile	30244*
S5	(s4 and (tag or cookie))	263°
S4	profile pre/0 owner	3626°
S3	(S2 and selling)	6°
S2	(S1 and cookie)	42
S1	((profile near/15 link[*4]) near/15 (tag or cookie or (tracking pre/0 pixel))) and (pd(<20060619))	152

* Duplicates are removed from the search, but included in the result count.

° Duplicates are removed from the search and from the result count.

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Profiling — Technology

Author: Newbould, R; Collingridge, R

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Abstract (English): Network identity is defined by the set of characteristics about a person held on a computer network, and hence identity management on the Internet is key to ensuring maximum competitive and marketing advantage for service providers while protecting end-user privacy. In the last few years, there have been major attempts in the IT world at providing parts of the identity management solution, from which we can learn important lessons. BTexact has also developed a profile hosting server to investigate the technological issues and propose a solution in this significant, evolving area.

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Bibliography

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PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	4	(("6839680") or ("6446261")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2016/08/25 11:31 AM
L2	36	@ad<"20060619" and (collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/25 11:43 AM
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L8	7504	@ad<"20060619" and ("1 x 1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:11 PM
L9	0	@ad<"20060619" and (tracking adj pixel) and (URL adj redirect)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:31 PM
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		compensation))	IBM_TDB)				
L13	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 08:59 PM
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L26	23	@ad<"20060619" and (cookie profile locat$6 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2016/08/31 12:38 PM
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L29	8	(("20070067297") or ("20070130005") or ("20030083938")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2018/06/11 04:12 PM
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L31	268511	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:30 PM
L32	3	((("DATONICS") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2020/07/29 12:30 PM
L33	158	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT)	OR	ON	ON	2020/07/29 12:30 PM
L34	331	(collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:50 PM
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			JPO; DERWENT; IBM_TDB)				
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L44	0	L43 and (ad adj network)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:53 PM
L45	3	L43 and advertiser	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:53 PM
L46	274504	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:20 PM
L47	3	((("DATONICS") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2020/12/17 06:21 PM
L48	161	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT)	OR	ON	ON	2020/12/17 06:21 PM
L49	274504	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:21 PM
L50	316	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2020/12/17 06:21 PM

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			IBM_TDB)				
L51	18	((("DATONICS") near3 ("LLC"))).AS,AANM.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:21 PM
L52	324	L47 L48 L50 L51	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:22 PM
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L56	0	(report$4 or identify$5) profile used owner deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:26 PM
L57	50	(provid$4 or display$4) profile owner deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:26 PM
L58	4	L52 and L57	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:27 PM
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L61	4	L60 not L58	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:28 PM
L62	28	(provid$4 or display$4) analytics profile deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:31 PM
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L64	64	(provid$4 or display$4) report$4 profile deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:32 PM
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L66	9	L65 not L58	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:32 PM
L67	4388	conversion near5 report	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:35 PM
L68	1405	L67 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:35 PM
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L70	73	L69 and (analysis or analytics)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:36 PM
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L72	18	L71 and advertis$5	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:36 PM
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		conversion near5 report) and analytics	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)				06:39 PM
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L79	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:41 PM
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L82	1	L81 and (report$5 with reach)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:57 PM
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L84	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
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L86	198	L83 and L85	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
L87	274504	705/14.1$.ccls.	(US-PGPUB; USPAT;	OR	ON	ON	2020/12/17

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		705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)				10:46 PM
L88	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
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L90	198	L87 and L89	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
L91	1	L90 and (report$5 with reach)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
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L94	5	((("DATONICS") near3 ("LLC"))).AS,AANM,inv.	(USPAT)	OR	ON	ON	2022/11/12 07:51 PM
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		"20040215515" OR "20050086109" OR "20060069616" OR "20070061331" OR "20070260514" OR "6490601" OR "7039699" OR "7299195" OR "7805332" OR "7822636" OR "7894448" OR "7899801" OR "8040819" OR "11301898" OR "11303973" OR "11368763" OR "20070157247" OR "5835896" OR "6034689" OR "6915271" OR "7251628" OR "7843923" OR "7899862" OR "7958224" OR "8131271" OR "10984445").pn.					
L97	246	("5999912" OR "6014638" OR "6016504" OR "6026368" OR "6026369" OR "6026374" OR "6044376" OR "6047310" OR "6049835" OR "6055513" OR "6073241" OR "6128663" OR "6134532" OR "6141010" OR "6188398" OR "6205432" OR "6216112" OR "6216129" OR "6285987" OR "6289318" OR "6308202" OR "6324519" OR "6327574" OR "6366298" OR "6385592" OR "6385592" OR "6401075" OR "6408278" OR "6415270" OR "6415322" OR "6446261" OR "6449657" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/11/12 08:33 PM

		"6484492" OR "6487538" OR "6615247" OR "6633850" OR "6654725" OR "6804660" OR "6810527" OR "6839680" OR "6868392" OR "6907566" OR "6983379" OR "6985882" OR "7003792" OR "7013290" OR "7038637" OR "7039594" OR "7039599" OR "7043531" OR "7051351" OR "7058593" OR "7065550" OR "7085682" OR "7155508" OR "7181438" OR "7188076" OR "7194424" OR "7299195" OR "7343354" OR "7346615" OR "7356711" OR "7360251" OR "7373599" OR "7386599" OR "7546249" OR "7552069" OR "7558795" OR "7580855" OR "7693863" OR "7698422" OR "7725944" OR "7756744" OR "7788358" OR "7805332" OR "7899801" OR "7930252" OR "7930253" OR "7937383" OR "7966647" OR "8036929" OR "8086491" OR "8464290" OR "8880677" OR "9117217" OR "20010020242" OR "20010034646" OR "20010039515" OR "20010042002" OR "20010044743" OR					

		"20020002541" OR "20020029267" OR "20020046105" OR "20020046286" OR "20020056109" OR "20020072965" OR "20020072965" OR "20020072971" OR "20020082910" OR "20020082923" OR "20020091568" OR "20020099603" OR "20020112013" OR "20020123928" OR "20020143632" OR "20020161636" OR "20020194058" OR "20020194589" OR "20030014304" OR "20030023481" OR "20030028871" OR "20030036944" OR "20030046156" OR "20030046689" OR "20030065558" OR "20030083938" OR "20030110497" OR "20030135413" OR "20030154126" OR "20030163370" OR "20030171990" OR "20030220837" OR "20030135460" OR "20040024632" OR "20040059632" OR "20040068436" OR "20040068477" OR "20040117322" OR "20040260605" OR "20050010472" OR "20050021387" OR "20050021397" OR "20050028188" OR "20050038698" OR "20050038702" OR "20050097204" OR "20050120091" OR "20050125289" OR "20050131762" OR "20050131762" OR "20050165644" OR "20050216336" OR "20050216823" OR "20050222905" OR "20050278443" OR "20060020508" OR "20060020510" OR "20060026061" OR					

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		"8683502" OR "8695032" OR "8713600" OR "8775249" OR "8959146" OR "8997138" OR "9071886" OR "9078035" OR "9083853" OR "9131282" OR "9208514" OR "9226019" OR "9271024" OR "9351053" OR "9369779" OR "9508089" OR "9571865" OR "9591380" OR "9756372" OR "9800917" OR "9813778" OR "9830615" OR "10009636" OR "10026100" OR "10070200" OR "10134054" OR "10178442" OR "10306282" OR "10321198" OR "10405058" OR "10475073" OR "10628857" OR "10645438" OR "10715878" OR "10771860" OR "10839423" OR "11082753" OR "11093970" OR "20050086112" OR "20110040607" OR "20110040620" OR "20090172723" OR "20090049468").pn.					
L98	275	L97 OR L96	(US-PGPUB; USPAT)	OR	ON	ON	2022/11/12 08:33 PM
L100	184	L98 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:34 PM
L101	141	L100 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:35 PM
L102	4	L101 AND (profile near4 owner)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:35 PM
L103	13146	cookie WITH (device near3 (id OR identifier OR IMEI OR info OR information))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU,	OR	ON	ON	2022/11/17 11:48 AM

			SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L104	8935	cookie near6 (device near3 (id OR identifier OR IMEI OR info OR information))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 11:48 AM
L105	231	L104 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 11:48 AM
L106	12	L105 AND (PII OR (personal$5 near2 identif$4 near2 (info OR data OR information)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 11:49 AM
L107	57980	(identif$4 near5 (second near2 (client OR device)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L108	5005	L107 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L109	251	L108 AND cookie	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L110	113	L109 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L111	91	L110 AND (profile near3 (data OR info OR information))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:13 PM
L112	10	L111 AND (cookie WITH (device near4 (id OR identifier OR data)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:13 PM
L113	3206	((detect$4 OR recogniz$4 OR identif$5) near5 (second near2 (client OR device))) WITH (cookie OR tag OR profile)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 06:59 PM
L114	178	L113 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 06:59 PM
L115	350799	G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:00 PM
L116	20	L114 AND L115	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:00 PM
L117	2	(associat$4 near5 device) WITH cookie WITH profile WITH identifiable	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:11 PM

L118	1	L117 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:11 PM
L119	12	((associat$4 near5 (second ADJ device)) WITH cookie) AND profile	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:13 PM
L120	0	L119 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:13 PM
L121	370	(send$4 OR display$4 OR transmit$5 OR provid$4) near5 advertis$4 near5 (second ADJ (client OR device))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:16 PM
L122	3	L121 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:16 PM
L123	47	(link$4 near5 devices) WITH cookie WITH identifier	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:18 PM
L124	0	L123 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:18 PM
L125	35	(Artificial Intelligence) More like doc: US-20080259906-A1 Text: (EP-2147515-A1 OR WO-2008130736-A1 OR WO-2008130736-A9 OR CA-2684239-A1 OR AU-2008242476-A1 OR KR-20090128566-A OR US-20140223476-A1 OR US-7861260-B2 OR US-20160286281-A1 OR US-9813778-B2 OR US-9369779-B2 OR JP-2010527524-A OR US-20090049468-A1 OR US-20180124474-A1 OR US-10178442-B2 OR US-20100325659-A1 OR CN-101682441-A OR KR-101745847-B1 OR KR-20160079138-A OR US-8695032-B2).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:18 PM
L126	604	(target$4 near6 advertis$5) WITH (tv OR television) WITH online	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO,	OR	ON	ON	2022/11/17 07:20 PM

			MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L127	7	L126 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:20 PM
L128	2	L127 AND (cookie OR tag)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:21 PM
L129	2	L128 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:21 PM
L130	10802	((detect$4 OR recogniz$4 OR identif$5 OR link$4) near5 (second near2 (client OR device))) AND (cookie OR tag OR profile) AND (UID OR (user ADJ (id OR identification OR identifier)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L131	8651	((detect$4 OR recogniz$4 OR identif$5 OR link$4) near3 (second near2 (client OR device))) AND (cookie OR tag OR profile) AND (UID OR (user ADJ (id OR identification OR identifier)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L132	410	L131 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L133	35	L115 AND L132	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:40 PM
L134	6	L133 AND cookie	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:43 PM
L135	2888	link$4 near3 (user ADJ devices)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L136	285	L135 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L137	8	L136 AND cookie AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L138	1251	(user near2 profile) WITH add WITH device	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:03 PM
L139	106	L138 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:03 PM
L140	94	(Target$4 near4 (content OR ad OR advertis$5)) near5 (second ADJ device)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/19 12:58 AM

L141	5	L140 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/19 12:58 AM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/401,052	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant						☐ CPA	☐ T.D.	☐ R.1.47		
CLAIM		DATE								
Final	Original	11/19/2022								
	34	✓								
	35	✓								
	36	✓								
	37	✓								
	38	✓								
	39	✓								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
	44	✓								
	45	✓								
	46	✓								
	47	✓								
	48	✓								
	49	✓								
	50	✓								
	51	✓								

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/401,052	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06Q30/02; /0207-/0277 all with text	10/10/2022	MJS
G06Q30/02; /0207-/0277 all with text	11/02/2022	
G06Q30/02; /0207-/0277 all with text	11/18/2022	

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Applicant and Assignee Search; double patenting rejection applicable	10/10/2022	MJS
PE2E, NPL and AI Search - see SRNTs	10/10/2022	MJS
updated PE2E, NPL and AI Search - see SRNTs	11/02/2022	MJS
updated PE2E, NPL and AI Search - see SRNTs	11/18/2022	MJS

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

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Exhibit 1009
Page 245

Notice of References Cited	Application/Control No. 17/401,052	Applicant(s)/Patent Under Reexamination Shkedi, Roy	
	Examiner MICHAEL J SITTNER	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20070005990-A1	01-2007	Sathish; Sailesh	G06Q30/02	713/189
*	B	US-20050097204-A1	05-2005	Horowitz, Russell C.	G06Q30/0273	705/14.69
*	C	US-20040068477-A1	04-2004	Gilmour, David L.	G06Q30/02	1/1
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6	9730

26362 7590 11/25/2022

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
11/25/2022	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
dsalavi@northwestpatent.com

Office Action Summary	**Application No.** 17/401,052	**Applicant(s)** Shkedi, Roy	
	Examiner MICHAEL J SITTNER	**Art Unit** 3622	**AIA (FITF) Status** No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on 12/26/2021.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL.** 2b) ☑ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 34-51 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 34-51 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 12/26/2021; 12/26/2021; 12/30/2021; 7/13/2022; 8/1/2022; 9/21/2022;.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

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DETAILED ACTION

Status of Claims

1. The present application is being examined under the pre-AIA first to invent provisions.

2. This action is in reply to the Application and claims filed 8/12/2021.

3. Claims 1-33 were canceled by preliminary amendment.

4. Claims 34 – 51 are new.

5. Claims 34-51 have been examined and are currently pending.

Continuation

6. This application is a continuation of application Serial No. 16/425,259, filed May 29, 2019, which is a continuation of application Serial No. 15/893,354, filed February 9, 2018, which is a continuation application Serial No. 14/080,999, filed November 15, 2013, which is a continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006 See MPEP §201.07.

In accordance with MPEP §609.02 A.2 and MPEP §2001.06(b) (last paragraph), the Examiner has reviewed and considered the prior art cited in the Parent Application and intervening applications. Also in accordance with MPEP §2001.06(b) (last paragraph), all documents cited or considered 'of record' in the Parent Application are now considered cited or 'of record' in this application. Additionally, Applicant(s) are reminded that a listing of the information cited or 'of record' in the Parent Application need not be resubmitted in this application unless Applicants desire the information to be printed on a patent issuing from this application. See MPEP §609.02 A.2.

Finally, Applicants are reminded that the prosecution history of the Parent Application and intervening applications are relevant in this application. See e.g., Microsoft Corp. v. Multi-Tech Sys., Inc., 357 F.3d 1340, 1350, 69 USPQ2d 1815, 1823 (Fed. Cir. 2004) (holding that statements made in prosecution of one patent are relevant to the scope of all sibling patents).

Interpretation of Claim Language

7. Per MPEP § 2106.II.C, unless a term is given an "explicit" and "clear" definition in the specification the examiner is obligated to give a claim term its broadest reasonable interpretation, in light of the

specification as it would be interpreted by one of ordinary skilled in the art (MPEP § 2111). This means that the words of a claim must be given their "plain meaning" unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. An example of a term does not constitute a "clear definition" beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "'set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning (see MPEP § 2111.01.IV and 2173.05(a)).

8. **Indicia of profile information** is not given an "explicit" and "clear" definition in the specification; Indeed, this term is not mentioned anywhere in the Original disclosure (Parent's Specification, claims, or drawings). Therefore, the term "indicia of profile information" is given its plain meaning (e.g. signs, indications, or distinguishing marks of profile information) as would be understood by a person of ordinary skill in the art at the time of the invention.

9. **A tag** is not given an "explicit" and "clear" definition in the specification. Therefore applicant's term "tag" is given the broadest reasonable interpretation, in light of the specification. Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…"*. According to spec [6:10-11], *"…the tag could be whatever the software wants it to be, including a cookie of any domain."* According to at least [6:11-15], *"A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also*

uniquely identify the device and the cookie therefore can be used as a tag in a central database"; see also Spec [19:20-30].

10. **Profile owner** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PO" or "Profile Owner" is given the broadest reasonable interpretation, in light of the specification. Spec [pg. 8:13-15] states, "…*profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner)…"*; and [pg. 11:15-20], *"the Profile Owner company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a payment. Any profile supplier (defined above) can also be a PO profile owner company."* and [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*.

11. **Profile supplier** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PS" or "Profile Supplier" is given the broadest reasonable interpretation, in light of the specification. Profile supplier, as already noted *supra*, e.g. at Spec [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*. Note that at Spec [pg. 3:3-5]: "…a publisher that is a BT company may also be its own profile supplier….".

12. **Media Property** per Provisional Specification (60/805,114) at pg. 5 Applicant provides the following note: *"…a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor. This definition of a media property will therefore include a web site, an ad network of sites where the ad network represents the ad space of different sites, a TV program, a cable company that represents some of the ad space within TV programs or TV channels, a TV network, any entity allowed to sell an advertisement and deliver it within an advertisement space whether the ad space is owned by that entity or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space could be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio etc. An ad space could be a fixed position on a page or the ad space could be made available by a web site to an ad network for*

example only when the web site did not sell all of the site's ad inventory and therefore makes some of the inventory available to the ad network …"

Claim Rejections - 35 USC § 112

13. The following is a quotation of 35 U.S.C. 112(b):

> (B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 34-51 are rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

Independent claim 34 recites in part the following:

> (c) identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) using personally identifiable information about the visitor, wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database; and

Respectfully, this feature is ambiguous. First, it is not clear whether the phrase "using personally identifiable information about the visitor" is intended to modify the "receiving" of profile information or, modify the "identifying" step. Second, it is not clear whether the mentioned "tag identifying the second visitor device" is the mechanism by which "identifying a second visitor device" is intended to be performed. The meaning of the limitation is wholly unclear.

Regarding the first question, under a first possible interpretation – i.e. the phrase "using personally identifiable information about the visitor" modifies the "receiving" so that the feature reads: "…whose profile information was received from the profile owner computer in accordance with part (a)

using personally identifiable information about the visitor", the feature in question lacks proper antecedent basis. For example, the "profile information" is qualified as "was received … using personally identifiable information about the visitor" – underline added for emphasis. However, part (a) of the claims do not previously reference a visitor whose profile information was received "using personally identifiable information about the visitor". Instead, part (a) references "indicia of the profile information" – it does not reference "personally identifiable information". Therefore it is wholly unclear whether this feature is intended to reference a different "visitor" whose profile information was received using personally identifiable information, or, whether the feature is intended to imply the aforementioned "indicia of the profile information" must be "personally identifiable information about the visitor", or, whether the feature is intended to imply there exists an additional but undisclosed step which is necessary to perform the step of part (a), directed towards "…automatically storing, in a database…, profile information associated with a visitor…".

Under the second possible interpretation – i.e. the phrase "using personally identifiable information about the visitor" modifies the "identifying" step, it is not clear how such "use" is to be functionally performed to effect "identifying a second visitor device". According to 2173.05(q) – "In Ex parte Dunki, 153 USPQ 678 (Bd. App. 1967), the Board held the following claim to be an improper definition of a process: "The use of a high carbon austenitic iron alloy having a proportion of free carbon as a vehicle brake part subject to stress by sliding friction."" The Examiner finds this limitation to be similar in that the limitation in question also does not provide metes and bounds regarding what constitutes "use" such that a person of ordinary skill in the art would understand when they are infringing the limitation. Furthermore, according to MPEP 2173.05(g) – "the use of functional language in a claim may fail "to provide a clear-cut indication of the scope of the subject matter embraced by the claim" and thus be indefinite. *In re Swinehart,* 439 F.2d 210, 213 (CCPA 1971)." The applicant's functional language also results in no boundaries on the "use" method implied to be performed. No definite mechanism or metric is provided in the specification to teach how to perform the "using" which results in "identifying". Per MPEP 2173.05(g) Applicant may resolve the ambiguities of a functional limitation in a number of ways. For example: (1) "the ambiguity might be resolved by using a quantitative metric, (2) applicant could demonstrate that the "specification provide[s] a formula for calculating a property along with examples

that meet the claim limitation and examples that do not" (see *id.* at 1256, 85 USPQ2d at 1663 (citing *Oakley, Inc. v. Sunglass Hut Int'l,* 316 F.3d 1331, 1341, 65 USPQ2d 1321, 1326 (Fed. Cir. 2003))); (3) applicant could demonstrate that the specification provides a general guideline and examples sufficient to teach a person skilled in the art when the claim limitation was satisfied (see *Marosi,* 710 F.2d at 803, 218 USPQ at 292); or (4) applicant could amend the claims to recite the particular structure that accomplishes the function".

For the aforementioned reasons, the claim is indefinite. For the purpose of compact prosecution, the feature in question is interpreted commensurate with the second interpretation – i.e. the phrase "using personally identifiable information about the visitor" is interpreted to modify the "identifying a second visitor device" step.

Nonetheless, for the reasons outlined *supra*, the claim is held to be indefinite.

Dependent claims 35-51 inherit the deficiencies of their parent claim and are also rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

Double Patenting

15. The **nonstatutory** double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. **A nonstatutory obviousness-type double patenting** rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

16. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

17. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

18. Pending Claims 34-51 are rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of U.S. Patent 10,984,445 (previously US application 15/893,354) in view of Sathish (US US 2007/0005990 A1; hereinafter, "Sathish") as shown below and therefore, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application, except for features labeled “C”, “D”, shown in the claims comparison provided below, are fully disclosed in the patent; i.e. as exemplified in the comparison of claim 34 of the instant application and claim 1 of the patent, as shown below. Furthermore, features labeled “C” and “D” are obvious in view of the limitations as recited by the patent and the teachings of Sathish, also as explained below. Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See In re Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

U.S. Patent [illegible] claim 1. 36. A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a [illegible] database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device comprises a link to the profile information associated with the visitor;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic message delivery of a requested profile linked to the tag that is associated with the visitor device by being readable by by equipment that is part of the computer system of part (a); and

(c) identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) using personally identifiable information about the visitor wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database; and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (c) that is associated with the second visitor device to access the profile information stored in the [illegible] database, and (ii) using the profile information linked to the tag of part (c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

As is evidenced by claim 1 of Patent 10,984,445, the patent although teaching "later, when the visitor device (i.e. known by virtue of the patent's recitation of "wherein a tag associated with a visitor device serves as a link to the profile information of the visitor") is available to receive an advertisement, with the computer system, (i) using the tag that is associated with the visitor device to access profile information, etc…", the claims may not explicitly recite identifying a *second* visitor device *using personally identifiable information*, etc… and subsequently causing delivery of an electronic ad to this second device. However, regarding these features, as recited below to be taught by a combination of claim 1 of Patent 10,984,445, and the teachings of Sathish, as follows:

> ***(c) identifying a second visitor device of the visitor, whose profile information was received from the profile owner computer in accordance with part (a), using personally identifiable information about the visitor, wherein a tag[1] identifying the second visitor device serves as a link to the profile information associated with the visitor in the database*** (Sathish, see at least [0002] in view of [0053]-[0054], teaching e.g.: "…In Step 106 one or more additional devices [second devices] send a session establishment request to the Interaction Manager 230. In one embodiment, each request includes a 'multimodal profile' [tag] including: a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID [personally identifiable information]… Using the unique user ID [personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multimodal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108). As above, the subsequent device(s) will use this session ID in

[1] Regarding "tag", As noted supra: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…".* According to spec [6:10-11], *"…the tag could be whatever the software wants it to be, including a cookie of any domain."*

all messages relating to the session sent to the Interaction Manager 230, etc…"); ***and (d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (c) that is associated with the second visitor device to access the profile information stored in the database, and (ii) using the profile information linked to the tag of part (c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor*** (Sathish, see at least [0053]-[0060], teaching, e.g.: "…The Interaction Manager 230 determines, based on these requirements and conditions, as well as the capabilities and user preferences of each device, what part of the application will be processed by each device (i.e., which modality each device will contribute to the multimodal interaction) and distributes the application to the devices accordingly (Step 500 above)… As shown, the Interaction Manager 230 first queries the Composite Capability Profile 480 created by the Profile Manager 234 for the established session in Step 501. As stated above, the Composite Capability Profile 480 is a compilation of the capabilities and user preferences of each of the devices participating in the session. As each device joined the session, the Profile Manager 234 added the capabilities and preferences of that device to the Composite Capability Profile 480… if the devices are capable of supporting (and willing to support) the multimodal application the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup language of the application accordingly… The determination of which device will contribute which modality (and therefore receive which modality markup [advertisement]) is based, at least in part on, …the capabilities and user preferences of each device listed in the Composite Capability Profile 480…"; applicant's "advertisement" reads on Sathish's application "markup" which is selected and delivered dependent upon both "the capabilities and user preferences of each device listed in the Composite Capability Profile 480".)

In view of these teachings, Examiner understands the patent's "tag", which per the original specification, as noted per the footnote provided *supra*, "*could be whatever the software wants it to be, including a cookie of any domain",* to be analogous to Sathish's "multimodal profile" which Sathith teaches as being

provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely applying known techniques of Sathish (directed towards identifying a second device of a user by using a unique user ID, received within a multimodal profile [cookie / tag] via a session request, of a second device to determine if this unique user ID is the same as already received from a first device, and linking the profile with the profile received from a first device, in a composite profile, etc… and later, when this second device is "capable and willing" to receive a multimodal application markup, an application "markup" [advertisement] is selected and delivered dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of the patent claim 1 to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of patent claim 1, to enable targeted marketing to a second device of the same user who previously visited an entity with a first device with motivation to more accurately target advertising and/or because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim Rejections - 35 USC § 101

19. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20. Claims 34-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea (i.e. a judicial exception) without significantly more.

Per step 1 of the 2019 Revised Patent Subject Matter Eligibility Guidance, the claims are directed towards a process, machine, or manufacture.

Per step 2A Prong One, the claims recite specific limitations which fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG, as follows:

Per Independent claims 34:

- *"A method of causing delivery of electronic advertisements based on provided profiles comprising:*
- *select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who accessed [a website] using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, each stored request being for requested profiles or kinds of profiles,*
- *identifying a second visitor device of the visitor using personally identifiable information about the visitor,*
- *later, when the second visitor device is available to receive an advertisement, (i) using the tag of part (c) that is associated with the second visitor device to access the profile information stored in the database, and (ii) using the profile information linked to the tag of part (c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.*

As noted *supra*, these limitations fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG. Specifically, these limitations fall within the group **Certain Methods Of Organizing Human Activity** (e.g. fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions).

That is, these steps as drafted, are not technical in nature, they do not seek to provide a technical solution to a technical problem but instead are a business decision to provide profile information upon request from an entity (e.g. a website) who has requested such information, and subsequently targeting advertising to a device [second device], which is inferred to belong to a user who has used a first device, based on undisclosed use of personally identifiable information, where the targeted advertisement is based on profile information which may be mediated or linked by a "tag" (e.g. the ubiquitous "cookie"); hence these features are directed towards targeted advertising and thus falling into Certain Methods of Organizing Human Activity. Note that there is no technical improvements purported in any of the features

of the "tag", the "selection" of an entity to whom profile information is delivered, nor of storage of profile information, nor of any technical means by which to "identify" a device. Furthermore, the mere nominal recitation of a generic computer components (*e.g. with a computer system… automatically storing in a database associated with the computer system, first device, second device, profile owner computer, etc…)* does not take the claim limitations out of the enumerated grouping. Thus, the claims recite an abstract idea.

Per step 2A Prong 2, the Examiner finds that the judicial exception is not integrated into a practical application. Although there are additional elements, other than those noted *supra*, recited in the claims, none of these additional element(s) or a combination of elements as recited in the claims apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that it is more than a drafting effort designed to monopolize the exception. As drafted, the claims as a whole merely describe how to generally "apply" the aforementioned concepts using generic computer components, "link" them to a field of use (i.e. in this case targeted advertising to associated second device based on undisclosed use of personally identifiable information and linked profile information via undisclosed use of a "tag", e.g. a cookie), or serve as insignificant extra-solution activity (e.g. storage of requested profile data). The claimed computer components are recited at a high level of generality and are merely invoked as tools to implement the idea but are not technical in nature. Simply implementing the abstract idea on or with generic computer components is not a practical application of the abstract idea.

These additional limitations are as follows: descriptions of the context of receiving profile information, e.g. "*about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device",* descriptions of various business relationships, e.g.: *"plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system", "when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a)"*

However, these elements do not present a technical solution to a technical problem; i.e. Applicant's invention is not a novel nor new technique nor technical solution for "receiving requests" nor "storing" profile information in a database nor "automatic" arrangement of delivering requested data – i.e. profile information. The additional elements do not recite a specific manner of performing any of the steps core to the already identified abstract idea. Instead, these features merely serve to generally "apply" the aforementioned concepts and "link" them to a field of use or are insignificant extra-solution activity to the already identified abstract idea and do not integrate the abstract idea into a practical application thereof.

Per Step 2B, the Examiner does not find that the claims provide an inventive concept, *i.e.*, the claims do not recite additional element(s) or a combination of elements that amount to significantly more than the judicial exception recited in the claim. As discussed with respect to Step 2A Prong Two, the additional elements in the independent claims were considered as merely serving to "link" the idea to a field of use, or "apply" the idea via generic computing components, or insignificant extra-solution activity. For the same reason these elements are not sufficient to provide an inventive concept; i.e. the same analysis applies here in 2B. Mere instructions to apply an exception using a generic computer component and conventional data gathering cannot integrate a judicial exception into a practical application at Step 2A or provide an inventive concept in Step 2B. So, upon revaluating here in step 2B, these elements are determined to amount to no more than mere instructions to apply the exception using generic computer components (i.e. a server) and/or gather and transmit data which is well-understood, routine, conventional activity in the field; i.e. note the Symantec, TLI, and OIP Techs Court decisions cited in MPEP 2106.05(d)(II) indicate that mere receipt or transmission of data over a network is a well-understood, routine, and conventional function when it is claimed in a merely generic manner (as it is here).

Accordingly, alone and in combination, these elements do not integrate the abstract idea into a practical application, as found *supra*, nor provide an inventive concept, and thus the claims are not patent eligible.

As for the dependent claims, the dependent claims do recite a combination of additional elements. However, these claims as a whole, considered either independently or in combination with the

parent claims, do not integrate the identified abstract idea into a practical application thereof nor do they provide an inventive concept.

For example, dependent claim 35 recites the following: "*The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor.*" However, applicant did not invent either a computer or the television. Indeed, at this high-level of generality, these elements can only be considered as non-functional descriptions of user devices as no functional relationship is provided which would impart a limitation on any of the claimed steps. As such, these features are either merely part of the abstract idea of targeted advertising to known user devices which include tv and computers or merely serves to tie the abstract idea to the field of use (e.g. electronic devices such as are known) neither of which is significantly more than the already recited abstract idea.

As another example, dependent claims 36 recites the following: "*The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor, and wherein the profile information is derived from the visitor's activity using the computer of the visitor.*" However, similar to the analysis of claim 35, at this high-level of generality, the computer and mobile phone elements can only be considered as non-functional descriptions of user devices as no functional relationship is provided which would impart a limitation on any of the claimed steps. As such, these features are either merely part of the abstract idea of targeted advertising to known user devices which include computers and mobile phone or merely serves to tie the abstract idea to the field of use (e.g. electronic devices such as are known) neither of which is significantly more than the already recited abstract idea. Regarding the *profile information is derived from the visitor's activity using the computer* feature as recited, this feature is not significantly more than the already recited abstract idea but is instead part of the abstract idea of targeting advertising to an associated device based on profile information which may be collected via use of a first device.

Therefore, the Examiner does not find that these additional claim limitations integrate the abstract idea into a practical application nor provide an inventive concept. Instead, these limitations, as a whole and in combination with the already recited claim elements of the parent claims, are not significantly more than the already identified abstract idea. A similar finding is found for the remaining dependent claims.

For these reasons, the claims are not found to include additional elements that are sufficient to amount to significantly more than the judicial exception and are therefore patent ineligible.

Please see the 2019 Revised Patent Subject Matter Eligibility Guidance published in the Federal Register (84 FR 50) on January 7, 2019 (found at http://www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials).

Claim Rejections - 35 USC § 103 (pre-AIA)

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

23. Claims 34-37, 39, 41-43, 45-47, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilmour** et al. (US 2004/0068477 A1; hereinafter, "Gilmour") in view of **Sathish** (U.S. 2007/0005990A1; hereinafter, "Sathish").

Claim 34:

Pertaining to the limitations of claims 34, Gilmour teaches the following:

A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the

computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system; (Gilmour, see at least Figs. 3, 8-9 and at least [0039], and [0050]-[0058], teaching e.g.: "The profile service provider 34 is shown to include a matching engine 54 that implements a set of matching rules 57 to locate one or more profiles 44 based on a received query 58. A requesting entity 50 [computer system] may issue a query [request for profiles by an entity controlling the computer system] (e.g., in the form of an XML document) to the matching engine 54 which applies matching rules 57 to identify matched profiles based on criteria specified within the query. …a query result 66 [*electronic receipt from a profile owner computer*] may include any or all information contained within a profile. In one embodiment, the contents of the query result 66 may be specified by a query 58 [the *request for a profile or kind of profiles by an entity controlling the computer system*]…"; and Per [0082]-[0084]: "…the query results 66 may, …include contact details by which the relevant profile subjects 90 may be contacted (e.g., e-mail address or telephone number)… For example, the requesting entity 50 has identified a particular profile subject 90 [visitor] as being a candidate for the purchase of a digital camera, the contact request communicated to the profile subject 90 may include an offer to sell a camera at a very favorable purchase price…"; applicant's "visitor" reads on Gilmour's "profile subject 90 (e.g., the individual 32)". The difference between the limitation and the teachings of Gilmour is only that Gilmour may not explicitly teach his "requesting entity 50" [computer system] also "stores" the "query result 66" which it receives. However, because Gilmour already teaches other computer systems store the profile information, e.g. "profile portion 82…, 86, 88, etc…" -see Fig. 6, and Gilmour does teach his "query result 66" may contain contact details of these profile portions, and Gilmour teaches that "requesting entity 50" [computer system] uses such details to contact "profile subject 90" [visitor] for the purpose of providing targeted advertising, the Examiner finds that Gilmour himself provides ample motivation to a person of ordinary skill in the art practicing the invention of Gilmour to modify Gilmour to store his disclosed "query result 66" by his "requesting entity 50" [computer system] at least to enable his

disclosed future use of such information to send his "contact request" and/or advertisement to the "profile subject 90 (e.g., the individual)" [visitor] because storage systems are ubiquitous, were within the level of ordinary skill, and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried using such storage means within their knowledge to store Gilmour's received query result 66 [*electronic receipt from a profile owner computer*] by Gilmour's requesting entity 50 [computer system] because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.

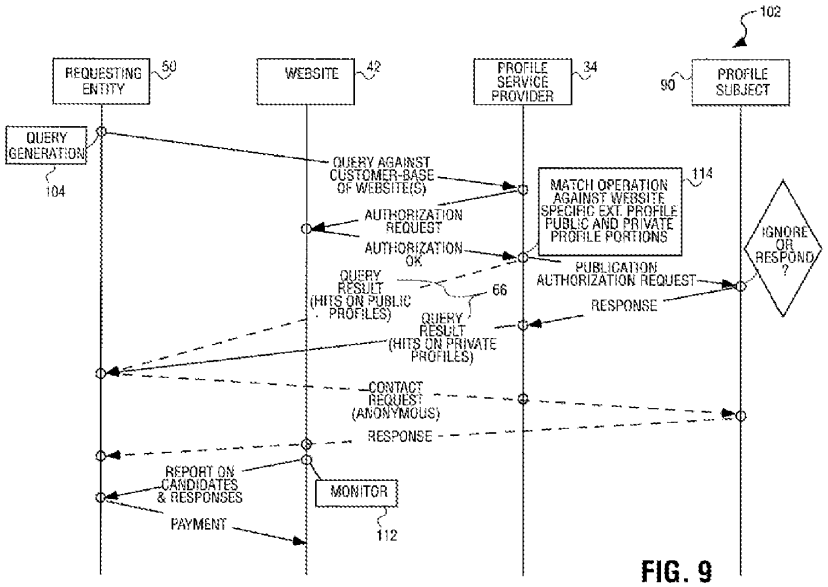


FIG. 9

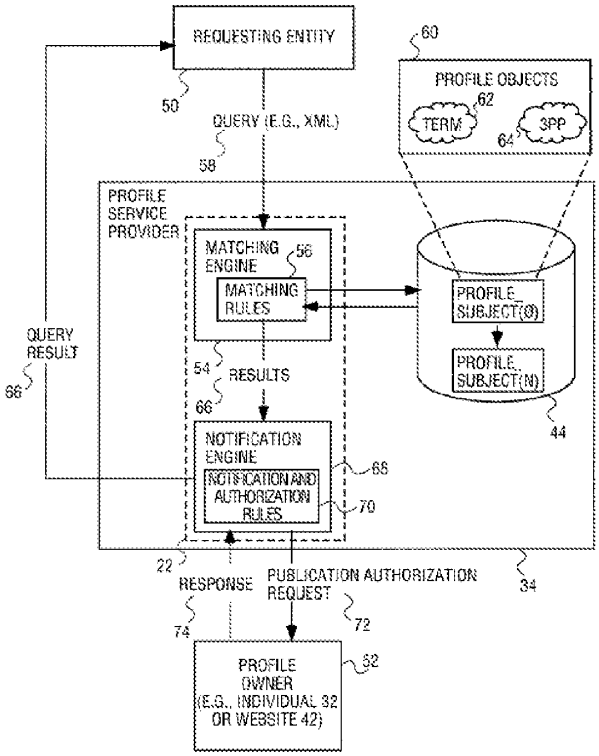


FIG. 3

),

(b) wherein the profile owner computer is programmed to:

(i) automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system (Gilmour, see again at least Figs. 3, 8, 9 and at least [0039]-[0042] regarding website 42 dropping a "cookie" on "client

computer system 36" [e.g. a first device] visiting/accessing website 42, where the cookie may "be utilized to identify the individual" [profile information], and "the profile service provider 34 [profile owner] receives profile information, for example harvested by a website 42, in the form of an eXtensible Markup Language (XML) document, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier]…"; also per [0058]-[0061] in view of [0088]-[0093], teaching "…Profile service provider" [profile owner computer] sends a "query result 66" to a requesting entity [i.e. *a media property entity has been selected* to whom a query result is to be sent]. The "query result 66" is sent to a selected entity 50 based on comparison of: (A) stored "profile portions 82, …86, 88, etc…" [profile information] received from a websites 42 [profile suppliers], about a user who had visited "website 42" [profile supplier] (e.g. as discussed at least also per [0039]), with (B) stored "queries 58" [stored requests] received from "requesting entities 50" [media property entities, one of which is "requesting entity 50"/entity controlling computer system]; e.g.: "…shown in FIG. 9, responsive to an authorization grant from the website 42, the profile service provider 34, at block 114, performs a matching operation against each of the external profile portions 82 (e.g., proprietary profile databases) of the external profilers 84 from which the profile service provider 34 has obtained authorization. The matching operation may also be performed against the public and private portions 86 and 88 constructed by the profile subject 90… query results 66 may be communicated directly to the requesting entity 50. Otherwise the query results 66, which generated as a result of hits that occurred against other private portions or external profile portions for which a rule 70 requires authorization, are published to the requesting entity 50 upon receipt of an affirmative response from the profile subject 90…"),

and (ii) when the selected media property entity is the entity controlling the computer system, automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a) (Gilmour, see again at least Figs. 3 and 9, and [0056]-[0061] and regarding "query result 66" is

communicated [automatically delivered] to "requesting entity 50" [selected media property entity is the entity controlling the computer system]);

Although Gilmour teaches the above limitations, and teaches *identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer*, e.g. as per [0038]-[0042], where Gilmour teaches a website 42, which can also be a "marketer" such as "requesting entity 50", may drop a "cookie" [tag] on a client computer 36 [e.g. first visitor device], where, per [0039], Gilour teaches: "…As known in the art, the cookie 46 may be utilized to maintain state [identify the first visitor device] during a network access session from the client computer system 36 [first device] to website 42 so as to enable the website 42 to track "click stream" or other activities of the individual 32 with respect to the website 42. The cookie 46 may also be utilized to identify the individual 32 [i.e. *the "cookie" [tag] serves as a link to profile information associated with the visitor*] to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42…", Gilmour may not explicitly further teach identifying a second visitor device using personally identifiable information, nor that a "cookie" [tag] may also identify a second device in addition to "…be[ing] utilized to identify the individual 32" as recited below. Nonetheless, Gilmour in view of Sathish teaches the following:

(c) identifying a second visitor device of the visitor, whose profile information was received from the profile owner computer in accordance with part (a), using personally identifiable information about the visitor, wherein a tag[2] identifying the second visitor device serves as a link to the profile information associated with the visitor in the database (Sathish, see at least [0002] in view of [0053]-[0054], teaching e.g.: "…In Step 106 one or more additional devices [second devices] send a session establishment request to the Interaction Manager 230. In one embodiment, each request includes a 'multimodal profile' [tag] including: a list of one or more capabilities of the device with which it is associated, the user

[2] Regarding "tag", As noted supra: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…*". According to spec [6:10-11], "*…the tag could be whatever the software wants it to be, including a cookie of any domain.*"

preferences, and a unique user ID [personally identifiable information]… Using the unique user ID [personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multimodal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108). As above, the subsequent device(s) will use this session ID in all messages relating to the session sent to the Interaction Manager 230, etc…"); ***and (d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (c) that is associated with the second visitor device to access the profile information stored in the database, and (ii) using the profile information linked to the tag of part (c) to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor*** (Sathish, see at least [0053]-[0060], teaching, e.g.: "…The Interaction Manager 230 determines, based on these requirements and conditions, as well as the capabilities and user preferences of each device, what part of the application will be processed by each device (i.e., which modality each device will contribute to the multimodal interaction) and distributes the application to the devices accordingly (Step 500 above)… As shown, the Interaction Manager 230 first queries the Composite Capability Profile 480 created by the Profile Manager 234 for the established session in Step 501. As stated above, the Composite Capability Profile 480 is a compilation of the capabilities and user preferences of each of the devices participating in the session. As each device joined the session, the Profile Manager 234 added the capabilities and preferences of that device to the Composite Capability Profile 480… if the devices are capable of supporting (and willing to support) the multimodal application the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal

application, and divides the markup language of the application accordingly… The determination of which device will contribute which modality (and therefore receive which modality markup [advertisement]) is based, at least in part on, …the capabilities and user preferences of each device listed in the Composite Capability Profile 480…"; applicant's "advertisement" reads on Sathish's application "markup" which is selected and delivered dependent upon both "the capabilities and user preferences of each device listed in the Composite Capability Profile 480".)

In view of these teachings, Examiner understands Gilmour's "cookie" [tag] which is taught as stored at the client computer system [device] and utilized to "maintain state during a network access session" and "The cookie 46 may also be utilized to identify the individual 32 to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42" to be analogous to Sathish's "multimodal profile" which is taught as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely applying known techniques of Sathish (directed towards identifying a second device of a user by using a unique user ID, received within a multimodal profile [cookie / tag] via a session request, of a second device to determine if this unique user ID is the same as already received from a first device, and linking the profile with the profile received from a first device, in a composite profile, etc… and later, when this second device is "capable and willing" to receive a multimodal application markup, an application "markup" is selected and delivered dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of Gilmour (already directed towards identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer and delivering targeted marketing based upon stored profile information, but does not explicitly further teach identifying a second visitor device using personally identifiable information by which to target marketing) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour in order to realize Gilmour, per Sathish's techniques would benefit by similarly recognizing a second device of the same user and "enable the

website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42" as provided to this second device because Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 35: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor* (Sathish, see at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…"). Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a computer or a television and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor to use a first visitor device of a computer and later use a second visitor device of a television of the visitor because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".

Claim 36: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor* (Sathish, see at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…" Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a computer or mobile telephone and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor

to use a first visitor device of a computer and later use a second visitor device of a mobile of the visitor because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".)*, and wherein the profile information is derived from the visitor's activity using the computer of the visitor* (Sathish, see again at least [0035] in view of [0049], e.g.: "As shown, in one embodiment, the method begins at Step 101 when a first device sends [an activity] a session establishment request to the Interaction Manager 230 including a multimodal profile associated with the device."; the device, per at least [0035] may be a computer; also note per at least [0066] the user may be browsing a website with the first device, e.g. a PDA [computer], to fill out an online form for purchasing airline tickets [activity on the computer] and the system may send voice prompts, based on this activity, to the second device, to assist the user. Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Sathish which is applicable to a known base device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour because they are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.)

Claim 37: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 36 wherein the tag identifies the mobile phone* (Sathish, see again at least [0035] in view of [0054], e.g.: "…each request includes a 'multimodal profile' [tag] including: a list of one or more capabilities [identifiers] of the device [e.g. mobile phone] with which it is associated, the user preferences, and a unique user ID [personally identifiable information]…"; an identified capability/characteristic of the device/phone is an identifier of the device/phone.) Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Sathish which is applicable to a known base device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour because they are

analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 39: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the second visitor device is a computer and further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer* (Gilmour, see at least Fig. 9 and [0085] regarding Report on candidates responses + Payment e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous contact request. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90…")

Claim 41: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner company controlling the profile owner computer* (Gilmour, see at least Fig. 9 and [0085]-[0089] regarding Report on candidates responses + Payment, e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous 'contact request' [advertisement]. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90… An agreement between the profile service provider 34 [profile owner] and a website 42, for example, may furthermore specify that a payment be made to the website 42 for authorizing access to its profile database. Such payment may be made …via the profile service provider 34. In this way, the profile service provider 34 may in fact act as a broker of access to the profile databases of multiple websites 42 and other external

profilers 84.")

Claim 42: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement* (Gilmour, see again at least Fig. 9 and at least [0082]-[0089], as noted *supra*; applicant's advertisement reads on Gilmour's "contact request" sent to a "profile subject 90" [visitor]. In view of these teachings, the Examiner finds that there is ample motivation supplied by Gilmour for a person of ordinary skill in the art to provide, as part of the payment Gilmour teaches is made via the profile service provider 34 who is acting as a broker, a reason for the payment and because profile information which was used is a basis for enabling the transactions this would be a predictable piece of information to include as a reason for payment – i.e. Gilmour's payments are dependent in part on transactions which were "concluded between requesting entity 50 and profile subjects 90" and therefore providing information identifying the profile information causing such transaction and therefore necessitating payment would be obvious to try at least for auditing purposes because per MPEP 2143(I)(E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try " and/or because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.)

Claim 43: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device* (Gilmour, see at least [0080], teaching: "…The profile service provider 34 then accumulates a collection of authorization responses 74 and communicates the query results 66 (e.g., limited identification of profile subjects 90)…").

Claim 45: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor* (Gilmour, see at least [0039] teaching: "…As is known in the art, the cookie 46 [tag] may be utilized to maintain state during a network access session… The cookie 46 [tag] may also be utilized to 'identify the individual 32' [profile information] to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42…").

Claim 46: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic delivery of a requested profile comprises: the profile owner computer being programmed to perform automatic redirection, to a URL provided by the selected entity, to place the first visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a database associated with the computer equipment of the selected entity, of the profile information* (Gilmour, see again at least Fig. 9 and [0082]-[0089], teaching: correspondence, i.e. a "contact request" [advertisement], sent by a "requesting entity 50" [selected entity], e.g. a website, to a "subject profile" [visitor] is directed through and redirected by the "Profile service provider" [profile owner computer]. Furthermore, Gilmour teaches at [0084]: "The profile subjects 90 [visitor] contacted as a result of the contact request [advertisement] may then elect to 'respond to the requesting entity 50' [*place the first visitor device in communication with computer equipment controlled by the selected entity*], either through the profile service provider 34 [profile owner] or the website 42 so as to optionally maintain their anonymity…"; Although Gilmour does not explicitly use the terminology "URL", he nonetheless teaches his "Profile service provider" [profile owner computer] "forwards" [redirects] a received "response" to "the requesting entity 50" [computer equipment of the selected entity] which implies the "profile service provider 34" [profile owner] must receive the address, e.g. URL, from the "the requesting entity 50" to which the "profile subject" [visitor] is to be forwarded/redirected in order to enable the disclosed path of the response to the "requesting entity 50" as per Fig. 9 and associated

disclosure already noted *supra* and therefore the Examiner finds that it would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to have provided a URL by the requesting entity, to the profile service provider [profile owner], to which the requesting entity desires the profile service provider [profile owner], to direct the "profile subject" [visitor] because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.)

Claim 47: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 46 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer* (Gilmour, see at least Fig. 9 and [0085] regarding Report on candidates responses + Payment e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous contact request. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90…").

Claim 51: Gilmour/Sathish teach the limitation upon which this claim depends, including *wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the second visitor device*. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 (i) wherein the electronic apparatus of the profile supplier operates in the Internet* (Gilmour, see at least Figs. 3 and 9 and [0027] e.g.: "The profiling system 10 may conveniently be viewed as comprising a client system 12 and a server system 14. The client system 12 includes clients with access to the server system 14, such as Internet browser clients 16 or e-mail clients 18, which may be resident on machines within the profiling system 10 or coupled to it through a computer network…"; applicant's term "profile supplier" reads on Gilmour's "profile owner (e.g. website 42)" which

Gilmour teaches supplies profile information to "Profile Service provider" which in turn brokers this information to other websites and/or requesting entities who desire to target marketing to a "profile subject" [visitor]), *(ii) wherein the second visitor device is a television of the visitor, and (iii) wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the television of the visitor* (Examiner notes that the only aspect of this feature not already explicitly taught supra per parent claim 34, is the aspect of *the second visitor device is a television of the visitor*. However, Sathish teaches, per at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…") Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a television and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor to use a second visitor device of a television of the visitor and hence receive the "contact request" [advertisement] via the television because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".

24. Claims 38, 40, 44, 48, 49, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilmour** in view of **Sathish** further in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz")..

Claim 38: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as already shown supra, Gilmour in view of Sathish teaches *The method of claim 36, wherein the profile owner computer is programmed to automatically select a media property entity using the profile information about the visitor derived from the visitor's activity using the computer of the visitor.* Although Gilmour/Sathish teaches the aforementioned features, they may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Gilmour in view of Horowitz teaches the following:

…, which profile information was received by the profile owner computer as a result of URL

redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "…the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system… the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser…")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to realize that the profile information which Gilmour collects and provides upon request, may be the result Horowitz' technique – i.e. the result of a URL redirection from a website that is served by Gilmour's servers which store profiles [profile owner/supplier], because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 40: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least [0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser] to "profile subject" [visitor], and the responses may be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach that his "profile subject's" [visitor's] response which flows back through the "profile service provider" [profile owner] is via a URL redirect, e.g. within such "contact request" [advertisement] from the "requesting entity" [from the computer system] with the intention to redirect the

device [e.g. second device] receiving such contact/advertisement back to the "profile service provider" [profile owner]. However, regarding this feature, Gilmour/Sathish in view of Horowitz teaches the following: *The method of claim 39, wherein electronically reporting comprises automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection, e.g. within a cookie [tag]) to a known base device/method of Gilmour (already teaching that a "profile subject's" [visitor's] response to a "contact request" [advertisement] may flow back through the "profile service provider" [profile owner], and who also teaches user device may have a "cookie" utilized to "identify the individual" [profile information]), to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 44: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach a "cookie" [tag] may be placed on a user's computer [device] which enables a website to "identify the individual" [e.g. profile information], and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least

[0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser], which may itself be a website 42 [profile supplier], to "profile subject" [visitor], and the responses may also be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach that his "profile subject's" [visitor's] response to such a "contact request" [advertisement] which flows back through the "profile service provider" [profile owner] is via a URL redirect, e.g. within such "contact request" [advertisement] from the "requesting entity" [from the computer system] with the intention to redirect the device [e.g. second device] receiving such contact request [advertisement] back to the "profile service provider" [profile owner] such that the "profile service provider" [profile owner] may receive Gilmour's disclosed "cookie" from the redirected computer [device] which may be utilized to "identify the individual" [profile information] . However, regarding this redirect feature, Gilmour/Sathish in view of Horowitz teaches the following: *The method of claim 43 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection, e.g. within a cookie) to a known base device/method of Gilmour (already teaching that a "profile subject's" [visitor's] response to a "contact request" [advertisement] may flow back through the "profile service provider" [profile owner], and who also teaches user device may have a "cookie" utilized to "identify the individual" [profile information]), to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour because Gilmour and

Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 48: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach a "cookie" [tag] may be placed on a user's computer [device] which enables a website to "identify the individual" [e.g. profile information], and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least [0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser], which may itself be a website 42 [profile supplier], to "profile subject" [visitor], and the responses may also be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach the following nuances. However, Gilmour in view of Horowitz teach the following: *The method of claim 47 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

In view of these teachings, Examiner finds Horowitz' "Conversion Server 524" analogous to Gilmour's "Profile Service Provider" [profile owner]. Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection from the computer system to conversion server) to a known base device/method of Gilmour, (who already teaches

use of cookies as well as a "profile service provider 34" [profile owner] which may operate as a broker to facilitate a transaction between a "requesting entity" [entity controlling computer system] and a "website" [profile supplier] and be compensated for this service) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to recognize the utility in redirecting Gilmour's "profile subject" [visitor] back to Gilmour's "profile service provider 34" [profile owner] with the information which Horowitz teaches may be provided via a cookie in Gilmour's cookie so that Gilmour's "profile service provider 34" [profile owner] may be compensated for the services provided and because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 49: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 48 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device* (Sathish, see again at least [0035] in view of [0049], e.g.: "As shown, in one embodiment, the method begins at Step 101 when a first device sends [an activity] a session establishment request to the Interaction Manager 230 including a multimodal profile associated with the device."; the device, per at least [0035] may be a computer; also note per at least [0066] the user may be browsing a website with the first device, e.g. a PDA [computer], to fill out an online form for purchasing airline tickets [activity on the computer] and the system may send voice prompts, based on this activity, to the second device, to assist the user.)

Claim 50: Although Gilmour/Sathish teaches the limitations upon which this claim depends, they may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Gilmour in view of Horowitz teaches the following:

The method of claim 49 wherein the profile information about the visitor was received by the

profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "…the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system… the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser…")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to realize that the profile information which Gilmour collects and provides upon request, may be the result Horowitz' technique – i.e. the result of a URL redirection from a website that is served by Gilmour's servers which store profiles [profile owner/supplier], because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.)

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Sittner whose telephone number is 571-270-3984. The examiner can normally be reached 7:30 AM – 5:00PM (Mon. – Thur.), and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Spar, Ilana can be reached at (571) 270-7537.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

27. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice

/Michael J Sittner/

Primary Examiner, Art Unit 3622

Remarks

Method claims 34-51 remain pending. Claim 34 is the sole independent claim.

1. Background and history leading to this application

In SN 15/893,354 (the Grandparent application), the Board reversed the examiner's claim construction of "media property entity." Afterwards, the examiner and SPE allowed the method claims after assignee agreed to drop the apparatus claims.

In SN 16/425,259 (the Parent application), assignee (1) followed an examiner recommendation that applicant would do well by "directly reciting a particular embodiment of 'media property entity' that is being claimed in the context of this particular invention," and specifically replaced the term "media property entity" with "website or ad network" throughout; (2) submitted claim amendments parallel to the amendment believed to have produced allowance in the Grandparent application (SN 15/893,354); and (3) submitted further amendments suggested by the examiner as further improving the claim language, which appellant was willing to accept for better clarity and because assignee did not consider them as altering materially the scope of the claim.

In remarks submitted December 26, 2021 (pages 10-11) in this application, assignee presented a comparison of pending claim 34 and the Grandparent claim that had been allowed after the Board appeal. In brief, other than minor and conforming changes discussed there, (1) the limitations related to the tag, in effect, were moved to later in the claim; and (2) the pending claim *narrowed* the Grandparent claim by adding an element (part (c)) specifying "identifying a *second* visitor device of the visitor" by "using personally identifiable information about the visitor." That "second visitor device" is different from a "*first* visitor device" used "by the visitor who electronically accessed electronic apparatus of a profile supplier."

For those reasons, the examiner can see that the pending claims are effectively ***within the scope of previously allowed claims*** in the Grandparent (again, disregarding

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minor issues) and thus should be allowable as well. The narrowing limitation makes the claims ***even more*** suitable for allowance.

2. Update about previously disclosed proceedings

Assignee submits concurrently a Supplemental Information Disclosure Statement (with fee) to advise mostly about the latest status of IPRs challenging certain patents that share the same first inventor and are owned by a related company to assignee. In addition, the accompanying IDS cites two additional third-party references and advises about certain patents recently issued to the same first inventor and certain recently filed co-pending applications. Neither the IPR proceedings nor the recently issued patents are related to parents or ancestors of this application.

3. Response to indefiniteness rejection and claim amendments

Per paragraph 14 of the office action, the claims stand rejected for indefiniteness apparently for two reasons. Appellant discusses both in turn below.

A. "First," the office action asserts that a "feature" in one clause of part (c) of the sole independent claim 34 is allegedly "ambiguous" and "not clear" as to what that "feature" is "intended to modify." Nevertheless, the examiner (see office action, page 7) correctly interprets the "feature in question" just as applicant intended, namely that the "using …" clause modifies the "identifying" act. *See also* page 8 (emphasis altered) of the 12/26/2021 response to notice of missing parts, where appellant presented this claim and explained the intended meaning, by commenting: "Pending Claim 34 carries forward the above-described limitations but now presents a specific case where "personally identifiable information" *is used to identify* a second device of the same visitor …."

To clarify further, nonetheless, assignee submits an amendment to move the "using…" clause to closer to the beginning of part (c). This change does not alter the scope of the claim at all and is presented only for added clarity of what the claim already recited.

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B. Assignee also presents, at the beginning of part (c), a further amendment adding the clause "with the computer system." This change is voluntary and not in response to the indefiniteness or any other rejection. This change simply conforms part (c) to the pre-existing language in part (a) and part (d) indicating that the actions recited are performed by a computer system. *See* claim 34, part (a) ("with a computer system …"); claim 34, part (d) ("later, … with the computer system …").

C. Using the correct interpretation of what the "using…" clause is intended to modify, the office action (*see* page 6) further alleges that "it is not clear how such 'use' is to be functionally performed to effect 'identifying a second visitor device.'" Further clarification of this remark is respectfully requested. How can there any question that one can use personally identifiable information ("PII") about a visitor to identify a second visitor device of the visitor? And the claim does not purport to recite "how such use is to be functionally performed." As the Federal Circuit once famously ruled, "Specification teach. Claims claim." *SRI International v. Matsushita Electric Corp.*, 775 F.2d 1107, 1132 n.14 (Fed. Cir. 1985) (Markey, C.J.). Here, the *specification* explains how PII might be used for that purpose. When presenting this claim originally, assignee included in the remarks a block quotation from the specification explaining this. *See* pages 9-10 of the 12/26/2021 response to notice of missing parts. The claim is not at all indefinite because assignee refrained from narrowing the claim's scope unduly and unnecessarily by including unneeded detail limiting the claim to any *more particular* way of using PII to identify a second device.

In this regard, the office action refers to a Board decision from nearly 60 years ago, *Ex parte Dunki*, 153 U.S.P.Q. 678 (Bd. App. 1967), and alleges that the claim limitation pending here is "similar" to a claim in that case. The *Dunki* claim, however, recited, *in its entirely*: "The use of a high carbon austenitic iron allow having a proportion of free carbon as a vehicle brake part subject to stress by sliding friction." Other than the fact that both claims contain a variant of the word "use," there is simply

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no "similarity." MPEP 2173.05(q) cites *Dunki* for the following proposition: "Attempts to claim a process without setting forth any steps involved in the process generally raises an issue of indefiniteness under 35 U.S.C. 112, second paragraph." That MPEP subsection cites a different case where a claim was held "indefinite because it merely recites a use without any active, positive steps delimiting how this use is actually practiced."

Claim 34 is not subject to problems of the sort identified in *Dunki* and in MPEP 2173.05(q). To the contrary, claim 34 recites active, positive "steps involved" in the claimed process and performed by a computer system, namely "automatically storing … profile information," "identifying a second visitor device" (of the same visitor), and "later … using a tag associated with the second visitor device as a link to access … profile information" and "using the profile information … to automatically cause delivery of an electronic advertisement." As to "how the use is actually practiced," the claim contains numerous limitations of that sort, including, as to part (c) and the "identifying" action, the "how" of using PII.[1]

The office action at page 6 further refers to MPEP 2173.05(g), which discusses indefiniteness on account of "the use of functional language in a claim." That subsection of the MPEP does not apply because claim 34 does not use "functional language" (as shown below) and because the language is clear regardless. The MPEP states that, in the absence of means-plus-function claim language (not applicable here), "functional claiming often involves the recitation of some structure followed by its function." There is no such recitation in part (c) of claim 34.

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[1] The office action argues that there are "no boundaries on the 'use' method," but that is not true either. The phrase "use method" has no accepted meaning in case law to the undersigned's knowledge—if the examiner wishes to clarify, such would be welcomed. If the examiner uses that term in the same sense as the claim written in *Dunki*, then there is no "use method" recited in claim 34.

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Both the office action and the same MPEP subsection cite another very old decision, *In re Swinehart*, 439 F.2d 210, 213 (C.C.P.A. 1971). However, the *Swinehart* court evaluated a "composition of matter" claim defined as "a solidified meld of two components" specified by chemical formulae, which, the claim recited, was "transparent to infra-red rays and resistant to thermal shock," without specifying the characteristics that made the meld "transparent," even though the applicant asserted that transparency was "the exact point of novelty." The *Swinehart* court nevertheless *reversed* the indefiniteness rejection, holding (1) there is nothing wrong with functional claim language provided that it is clear (even at "the point of novelty"); (2) although functional terminology "may render a claim quote broad," it is nonetheless true that not "every claim containing 'functional' terminology is broad"; and (3) even a broad claim is not necessarily improper. Thus, *Swinehart* offers no justification for any rejection here.

Regardless, there is no parallel to claim 34 pending here because claim 34 does not recite any undefined characteristic like "transparency." The *Swinehart* court defined "functional" as follows: "We take the characterization 'functional', as used by the Patent Office and argued by the parties, to indicate nothing more than the fact that an attempt is being made to define something (in this case, a composition) by what it does rather than by what it is (as evidenced by specific structure or material, for example)." Claim 34 is a process claim and not a composition of matter claim, but it does not meet the definition of "functional" language offered in the *Swinehart* case. Claim 34 defines the claimed process by what the process is, i.e., the series of acts the computer system performs.

The Supreme Court held that claim language is indefinite only where "claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898 (2014). The PTO contends that *Nautilus* does not apply in examination because of the broader claim-

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interpretation standard (*In re McAward*, No. 2015-006416 (Aug. 25, 2017) (precedential)) but nevertheless describes the "essential inquiry" as whether claim language has a "reasonable degree of clarity and particularity" and reminds examiners, "Some latitude in the manner of expression … should be permitted." MPEP 2173.02(II); *see McAward*, slip op. at 12 (lower standard "is not a demand for unreasonable precision," and "does not contemplate in every case a verbal precision of the kind found in mathematics.") (citation omitted).[2] Thus, regardless of which standard is applied, indefiniteness questions turn on whether a claim has "reasonable" clarity or certainty, so, in this context at least, the *Nautilus* and *McAward* standards do not differ materially.

Here, there can be no question that a potential infringer would know whether or not they are using PII for the purpose of identifying a visitor's computerized device, with at least "reasonable" clarity or certainty. The term "personally identifiable information" is known to artisans of ordinary skill and has known meaning, and the term's wording itself implies information that can be used to identify a person. The office action provides no explanation for why a potential infringer would be unaware of when they are using PII to accomplish the stated purpose of identifying the computerized device.

D. Finally, paragraph 14 of the office action identifies a "second" indefiniteness rejection (although it is not explicitly stated as a separate rejection). The office action there includes the following comment: "Second, it is not clear whether the mentioned 'tag identifying the second visitor device' is the mechanism by which 'identifying a second visitor device' is intended to be performed." The office action

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[2] The office action refers to the goal of ensuring "that a person of ordinary skill in the art would understand when they are infringing the limitation." By this, assignee understands that the examiner insists that the claim must give at least reasonable notice (per *Nautilus* or *McAward*) to a *potential infringer* of when they are practicing the limitation, so as to understand when they are infringing the *claim* (as one cannot infringe a *limitation*).

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contains no further explanation of this rejection and does not explain in more detail why the language is not at least reasonably clear.

However, claim 34 is quite clear in this regard—there is no implication that the "mentioned 'tag …' is the mechanism by which 'identifying a second visitor device' is … performed." Rather, claim 34 defines the purpose of the tag: Previous part (c) of claim 34 recited that the tag "serves as a link to the profile information associated with the visitor."

To emphasize this point, and to avoid any further indefiniteness rejection, assignee has amended claim 34 further to delete the "wherein" clause that previously was at the end of claim (c) and to assignee has consolidated the references to the tag in part (d). After the amendment, part (d)(i) recites: "using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database," and part (d)(ii) recites: "using the profile information linked to the tag to automatically cause delivery of an electronic advertisement …." This language contains both the limitations previously stated in part (d) as well as the "tag" limitation previously found at the conclusion of part (c). Therefore, these amendments do not alter the scope of claim 34 at all and are presented only for added clarity of what that claim already recited. With those amendments, no further indefiniteness rejection ought to be maintained.

Assignee has addressed each and every point discussed in the indefiniteness discussion in the office action and respectfully requests withdrawal of the indefiniteness rejections and that no further rejections be made under Section 112 of the Patent Act.

4. <u>Overview of these claims</u>

As preparation for the discussion of the remaining rejections, assignee asks that the examiner consider the scope of sole independent claim 34 as a whole and presents the following overview to assist.

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The invention claimed by claim 34 refers to a selected media property entity—namely the one "controlling the computer system" of part (a) (*see* part (b)(ii)). That selected media property entity's computer system stores profile information associated with a visitor (part (a)), identifies a device of the visitor (*see* part (c)), and causes delivery of an ad (part (d)) to the visitor. That visitor is specifically a visitor whose profile information was received from a profile owner (PO) computer. That profile owner computer is a computer that has *automatically selected the media property from among a plurality of media properties* based on requests for profiles or types of profiles of particular kinds received from each. (*See* part (b).)

The selected media property's "computer system" thus receives (part (a)) from the specially programmed profile-owner computer (part (b)) profile data matching the media property's previous request for a profile or type of profile (*see* part (b)(i)). The received profile data is stored in a database. (*See* part (a).)

The invention claimed by claim 34 also specifies (part (c)) "identifying a second visitor device" of the same visitor whose information was received (per part (a)). The visitor had accessed profile supplier apparatus using a first visitor device (per part (b)(i)), but part (c) recites identifying a *second* device of the visitor. The media property later causes delivery of ads connected to a visitor profile when ad space becomes available for that visitor's second device. (*See* part (d)(ii).) The media property computer system access the profile information associated with the visitor in the database by using a tag associated with the visitor's second device as a link to the correct profile information. (*See* part (d)(i).)

5. <u>Remarks about claim construction</u>

Assignee provides the following comments on the examiner's claim constructions. Assignee comments only to the extent considered necessary, especially to address the instant rejections, and should not be viewed as having adopted the balance of the examiner's stated interpretations.

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A. **Tag.** The interpretation in paragraph 9 of the office action quotes a statement that "the tag could be whatever the software wants it to be" but later seemingly agrees that a "tag" must be any unique identifier (e.g., a cookie) used to mark a person electronically visiting a media property (such as a web site, TV channel, or the like) using any device. *See* 4:19-23 (a tag can identify either a person or a person's device; a tag may be placed on a user device or in a central database); 6:11-17 (a tag may represent or be connected to the profile); 6:25, 28. However, the claims as amended refer to tags identifying a user device.

B. **Profile owner/profile supplier.** The interpretations in paragraphs 10-11 of the office action do not contain any language acknowledging that a "profile owner" or "profile supplier" must deal in **profile information**. A broad interpretation cannot be reasonable if ignoring that point. Specifically as to the two cases discussed in those paragraphs of the office action: In the case where the profile owner relies on its own website, a profile owner may own the profile **by virtue of automatically recognizing some activity of the user during the user's visit to the profile owner's own website**, 3:18-21, 4:11-12, 13:3-9. Alternatively, a profile owner also may obtain access to the user's profile **because the user accessed the website of a "profile supplier"** (*see generally* 2:10-3:27). Fig. 1:2000; Fig. 2:11 & Pr1; 12:22-13:2.

The office action does not construe "profile information." Previously, assignee explained that "profile information" should be interpreted as follows: "Any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral)." *See* 3:2, 3:6 ("behavioral information, demographic information"; "user-provided information"); *see also* 6:25-30 (profile information can be stored in a tag or in a central database or both). However, the claims as amended refer to profile information provided from a profile owner to a media property entity being stored in a database.

C. **Media property.** The interpretation in paragraph 12 of the office action does not acknowledge the Board's reversal of the examiner's interpretation of this term

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and simply repeats the examiner's previous interpretation. The Board determined that "media property entity" and "media property equipment" are terms that are "distinct and not synonymous." Appeal 2020-00121, Decision 9/21/2020.

A "media property entity" is an entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 17-18. Examples of "media property entities" include companies operating websites or ad network companies that have access to a website's ad space. 5:5-6.

"Media property equipment" is any equipment that controls an ad space viewed by a visitor, at least temporarily. 5:1-27; CBM2017-00059, Non-Institution Decision, Paper 7, at 4 (PTAB Nov. 30, 2017). Examples of ad space listed in the specification include "a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels …, a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space." The specification also says, "In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily."

6. <u>Response to obviousness rejection based on Gilmour in view of Sathish</u>

The office action (para. 23 et seq.) rejects claim 34 under Section 103 as obvious over Gilmour (US2004/0068477) in view of Sathish (US2007/0005990). Assignee respectfully requests reconsideration.

Gilmour (the primary reference) has only limited similarities to claim 34. Indeed, the examiner cited the primary reference, Gilmour, in the notice of allowance of the Parent application, as one of a handful of references that "have been found to be the closest applicable prior art to applicant's invention," but the examiner there conceded that **Gilmour does "not teach … all of the features as claimed."** *See* para. 7 of 4/13/2021 NOA in SN 16/425,259. That is a significant concession given that the instant obviousness rejection adds secondary reference Sathish only for the added, narrowing

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limitations referring to two different visitor devices, especially recited in part (c) of claim 34, which limitations were *not present* in the Parent application. Thus, in the Parent case, the examiner conceded that Gilmour does "*not teach all* of the features" for which the examiner now applies Gilmour.

The finding in the Parent application remains correct, and the instant obviousness rejection is incorrect, for at least the reasons discussed in the remainder of this section.

In general, Gilmour discloses a kind of profile consolidator, which is a business that accepts partial profiles from various sources about an individual person. Gilmour's profile consolidator maintains restrictions on the information based on profile owner restrictions and also based on restrictions from the individual person.

Gilmour's profile consolidator is set up to accept a request from a company that wants certain information, and it will respond with profile information that is designated as available. If the information is not available, Gilmour's system has a way to ask the profile owner for added permission. Fees can be paid.

Quite a few problems make the obviousness rejection untenable. Each point is discussed in a separate subsection below. Any of the points should be separately sufficient to cause withdrawal of the obviousness rejection. When stacked up together, it is even more apparent that the obviousness rejection cannot remain.

A. <u>Gilmour does not disclose a profile owner computer selecting a media property entity from among plural entities</u>. The office action tries to analogize Gilmour's profile consolidator to the "profile owner computer" of part (b) of claim 34. However, Gilmour's profile consolidator just responds to a request from a current entity (which the office action analogizes to one of "the media property entities"), whichever entity is making the request.

Even if Gilmour's "current entity making a request" could somehow be considered a "media property entity," the computer in Gilmour is not programmed to

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automatically select the "current entity" from a plurality of different media properties. Gilmour's profile consolidator computer also does not "select" an entity from among a plurality of entities by comparing profile information about a visitor who accessed a profile supplier with stored requests from various of the media property entities.

The office action hand waves to avoid facing up squarely to the distinction, saying that the current, requesting entity has "been selected." The use of the passive voice conceals the problem. It cannot be denied that Gilmour's profile consolidator does not "select" an entity from among a plurality of entities as stated above. Rather, Gilmour's system merely responds to whichever entity happens to be in contact with it.

For those reasons alone, the rejection should be withdrawn. There is no selection of an entity at all in Gilmour, much less selection based on the recited comparison.

B. **Gilmour does not disclose a computer system storing received profile information.** The office action tries to analogize the requesting company to the "computer system" of claim 34, which performs part (a) of claim 34. The office action concedes that there is a problem with lack of explicit disclosure of storage of received information but argues that storing received data is obvious. However, Gilmour's *requesting* company seems to use the requested information immediately and has no apparent need to store it for later use. Claim 34, by contrast, refers in part (a) to the selected media property entity storing the profile information for use "later" (*see* part (d)). This reason too justifies withdrawal of the rejection.

C. Sathish does not disclose a tag used as a link to profile information in a database. The office action tries to address parts (c) and (d) of claim 34, especially the limitations related to two associated devices, by using a second reference, Sathish, but it does so ineffectually.

Sathish discloses a "multimodal" computer access system, which allows input to a computer (including a website) based on multiple devices. For example, a user might have a keyboard to enter information, as well as a speech-recognition device hanging

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around the user's neck, and Satish's goal is to allow the computer to accept input from either device in the same session. Of course, there is some kind of user-specific code to ensure that the computer accepts input from only a given user, rather than someone else using similar devices. That code, the office action argues, meets the definition of a "tag."

Regardless, there is no disclosure of the Sathish device code (if considered as a tag at all) satisfying the limitation of being "us[ed] … as a link to access the profile information associated with the visitor stored in the database," as recited in amended claim 34, part (d)(i) (or as recited previously in part (c) before the amendments).

For that reason too, the obviousness rejection is untenable.

D. <u>The stated premise for combining Sathish with Gilmour is incorrect</u>. Sathish mentions a "multimodal profile," which is a list of devices, the user ID, and various user preferences. The office action argues (pp. 24-25) that Gilmour's profile information is "analogous" to Sathish's "multimodal profiles," and for that reason the office action suggests combining the two references.

However, an ordinarily skilled artisan at the time of the invention would not have thought to combine Sathish with Gilmour for the proffered reason, because the Sathish "multimodal profile" has an entirely different purpose from Gilmour's profile information. The purpose of Sathish's "multimodal profile" is to identify different user input devices and their preference, whereas the purpose of Gilmour's profiles is to disseminate information about a user of the devices. There is no logical reason to assume that an ordinarily skilled artisan at the time of the invention would have added Satish's "multimodal profile" to Gilmour's profile information, and the office action does not identify any valid reason.

The absence of any logical justification for combining the two references, and the illogic of combining different types of "profiles" as stated above, provides a separate reason for overcoming the obviousness rejection.

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E. **Sathish does not disclose advertising or causing their delivery.** Sathish has nothing to do with delivery of electronic advertisements, which limitations are found in part (d) of claim 34. The office action (p. 24) argues that the term "advertisement" in claim 34 "reads on Sathish's application 'markup.'" To clarify that remark, Sathish (e.g., [0056]) refers to the "multimodal application includ[ing] markup *language*"—i.e., HTML[3]—that "specifies ... requirements or conditions for using" different device types (e.g., speech) in a given application. That disclosure in Sathish has literally nothing to do with an "advertisement."

The office action does not provide a construction of "advertisement," and the office action does not show that the ordinary meaning of "advertisement" could include "markup language" (like HTML). The argument that "advertisement" somehow "reads on" what Sathish discloses, i.e., "markup language," is a barebones, unexplained comment that seems to lack merit.

Because Sathish does not disclose delivery of electronic advertisements, the rejection must be withdrawn.

F. **Sathish is non-analogous art to the claimed invention.** Indeed, Sathish is non-analogous art to the claimed invention. *See* MPEP 2141.01(a), *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004) ("in order for a reference to be proper for use in an obviousness rejection under 35 U.S.C. 103, the reference must be analogous art to the claimed invention.... [A] reference is analogous art *to the claimed invention* if: (1) the reference is from the same field of endeavor as the claimed invention (even if it addresses a different problem); or (2) the reference is reasonably pertinent to the problem faced by the inventor (even if it is not in the same field of endeavor as the claimed invention).") (emphasis added). Neither of those alternatives apply. *E.g.*, *Circuit*

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[3] HTML means "hypertext *markup* language," a text-based approach to describing how content contained within a file is structured. The markup tells a web browser how to display text, images, and other forms of multimedia on a webpage.

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Check Inc. v. QXQ Inc., 795 F.3d 1331 (Fed. Cir. 2015) (more recent example of reversing judgment of invalidity for obviousness based on finding of non-analogous art).

As to the first option, per the preamble of claim 34, the field of endeavor of the invention claimed by claim 34 is "causing delivery of electronic advertisements based on provided profiles." Per the "Field of the Invention" section of the instant specification (at 1:8-10), "The present invention generally relates to profile-based behavioral targeting advertisement placement services."

Sathish is not from the same field of endeavor, using either formulation. Sathish's title is "multidevice session establishment for multimodal browsing," and Sathish's "Field of the Invention" says, "This invention relates to multimodal applications, and more particularly to a method of enabling multiple devices to participate in a single session for processing a multimodal application." Sathish, ¶[0001].

Sathish's stated fields address distinctly different "fields of endeavor." Sathish has nothing to do with behavioral targeting, with advertising, with placement services, or with profile information used in advertising. Conversely, the instant invention has nothing to do with "multimodal applications," "multimodal browsing," or "multidevice sessions."

The office action (p. 25) alleges that "Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02)," but whether those two references are "analogous art" *to each other* is not relevant; the question for analogous art is whether Sathish is analogous art *to the claimed invention*.

Also, two references being analogous art to each other is not a justification to combine those references.[4]

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[4] In addition, the citation to UPC subclass G06Q 30/02 appears incorrect. That subclass is titled "Marketing; Price estimation or determination; Fundraising" within the field of "commerce." Sathish, at least, has nothing to do with marketing, pricing, or fundraising. That subclass is within the general classification for G06Q, which includes a wide array of "information and communication technology [ICT]

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As to the second option for finding analogous art, Sathish is not "reasonably pertinent to the problem faced by the inventor." The instant specification identifies (at 8:21-10:17) a number of "possible challenges," i.e., problems faced by the inventor. That section concludes with a summary that problems include developing a "more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement," to address the various more specific "challenges" recited on those pages. Sathish is not at all "pertinent" to any of those issues. Sathish does not even contain the words "advertise" or "advertisement" or "behavior" or "target" (or any variants).

Because Sathish meets *neither* of the two alternative tests, Sathish is non-analogous art that cannot be used in a combination with the primary reference to support a finding of obviousness. Sathish would not have "commended itself to an inventor's attention in considering his problem" and there is no reason "why an inventor seeking to solve the identified problem would have looked to [Sathish] in an attempt to find a solution to [any] problem." MPEP 2141.01(a)(I).

Rather, the office action uses Sathish in an effort to "piece together" the invention by addressing an element admittedly missing from the primary reference and apparently not found in any reference in the field. *See* Ashley A. Bolt, *Combating Hindsight Reconstruction in Patent Prosecution*, 64 Emory L.J. 1137, 1166-67 (2015) ("citation to non-analogous art may occur because an examiner has performed a keyword search of the prior art and found a phrase within the reference that seems similar enough to the claimed invention .... It follows that impermissible hindsight is the

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specially adapted for administrative, commercial, financial, managerial or supervisory purposes; systems or methods specially adapted for administrative, commercial, financial, managerial or supervisory purposes, not otherwise provided for," so it could include miscellaneous references (*see* "not otherwise provided for") of various disparate sorts. Also, the face of Sathish lists 10 different UPC classifications, ***none of which are G06Q 30/02***. Gilmour cites only G06F 7/00 on its face, which is not listed on Sathish.

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primary vehicle utilized to conclude that it would have been obvious to a PHOSITA to include the limitation presented by the non-analogous reference in the claimed invention based on the similarity of terminology.") (available at https://scholarlycommons.law.emory.edu/elj/vol64/iss4/4?utm_source=scholarlycommons.law.emory.edu%2Felj%2Fvol64%2Fiss4%2F4&utm_medium=PDF&utm_campaign=PDFCoverPages). S*ee generally Graham v. John Deere Co.*, 383 U.S. 1, 36 (1966) (warning against "slipping into use of hindsight" and "the temptation to read into the prior art the teachings of the invention in issue"); *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 421 (2017) (warning against "the distortion caused by hindsight bias" and "arguments reliant upon ex post reasoning").

Conclusion as to prior art: Overall, the specifically claimed arrangement (described in overview in Part 4, *supra*) differs from the cited prior art references (even if they are combined, which should not be done). The combined references would not select a media property for a given visitor device based on stored requests from different media properties. The combined references would not have the selected media property store the profile data for later use when a second visitor device happens to become available to serve an advertisement. In particular, neither Gilmour nor Sathish teach a "profile owner computer" programmed as specified in part (b) to select a media property out of a plurality of media properties based on stored requests and to arrange for electronic delivery of a requested profile to the selected media property's equipment, as a result of which (part (a)) profile information is stored in a database associated with the selected media property's computer system. Nor does either reference teach making such a selection based on stored requests from each media property. Because the selection step is disclosed by *neither* reference, it is clear that at least part (b)(i) is missing from the *combination*. Nothing about the combination would add a selection step missing from each of the combined references individually. As a consequence, neither Gilmour nor Sathish teach the specially and unconventionally

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programmed profile owner computer of part (b). And it follows that the hypothesized combination cannot meet part (a) either, because part (a) requires receipt of data "from a profile owner computer," which is defined in part (b).

Claim 34 part (d) requires that the computer system of the selected media property use the tag to access linked profile information to cause delivery of an advertisement, and part (d) of claim 34 also specifies that such action occurs "later," i.e., after the profile information associated with a visitor is stored as mentioned in claim part (a). As indicated in Part B above, the office action refers to the requesting company in Gilmour, which does not deliver any advertisement "later" as claimed. And the supposed "advertisement" is not found in Sathish for the reasons indicated in Part E above. Thus, the limitations of part (d) are missing from the combination as well.

Moreover, a valid motivation to combine is missing, as indicated in Part D above, and Sathish is non-analogous art to the instant claimed invention, as indicated in Part F above. For any or all those reasons, the obviousness rejection must be withdrawn.

Discussion of dependent claims, all of which are rejected based on Gilmour in view of Sathish (at least) seems irrelevant in view of the multiple problems with the rejection of claim 34 outlined above.

7. <u>Certain advantages believed unachieved by known prior art</u>

The above differences are not mere nuances or details. Rather, the claimed invention has significant advantages by virtue of a technological arrangement wherein a selected media property entity, which has expressed interest in a profile or type of profile, can receive profile data, specifically from the specially programmed profile-owner computer, which obtained the profile data by virtue of a visitor who electronically accessed equipment of a profile supplier through a first device, with the *hope* that the selected media property's equipment will encounter a *different* device of the same visitor *later* and then have the opportunity to cause delivery of a targeted ad based on the *previously* received profile information. If so, when the second visitor

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device becomes available to receive an advertisement, the media property, later, can use a tag to access first-device-sourced profile data from a database and use it to cause delivery of a targeted ad to the second visitor's device.

8. Response to double-patenting rejection

The double-patenting rejection depends on combining Grandparent U.S. Patent 10,984,445 with Sathish. Because Sathish does not disclose the portions of the claims attributed to it by the examiner, and because Sathish is not analogous art to the claimed invention, the above comments refute this rejection as well.

However, the fact that the office action (para. 18) considers the bulk of claim 34 as "fully disclosed in the [Grandparent] patent" provides confirmation of the argument in Part 1, *supra*, wherein assignee noted that claim 34, with small exceptions, repeats the combination of claim limitations that led to allowance of the Grandparent application and so this application should be allowed for parallel reasons.

9. Response to Section 101 rejection

Assignee respectfully requests reconsideration of the *Alice*-based rejection.

Applicant's December 26, 2021, preliminary amendment (pp. 15-16) explains in detail difficulties solved by the current invention and why the current invention provides a technical solution that assists in overcoming such difficulties or at least improving the situation. The office action does not challenge that discussion, so it should be considered established. Nevertheless, the office action contains a Section 101 rejection that disregards those remarks. Therefore, appellant repeats those comments here in Part A, *infra*, after first discussing why those comments make a difference in view of the PTO's current policies for judging Section 101 questions.

The remarks in Parts A and B, *infra*, together demonstrate patent-eligible subject matter in the instant claims for either (or both) of two reasons:

1. Standards and analysis under *Alice* Step 2A: Aside from the question of whether claim 34 contains recitation that can be characterized as an abstract idea at all,

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assignee shows below why claim 34 includes additional limitations that would integrate any possible abstract idea (or ideas) into a practical application, i.e., the practical application of improvements to electronic advertising. The original specification, as explained below, draws a contrast between the now-claimed method and previously known methods. More specifically, the specification itself identifies at least one problem that the claimed solution overcomes and sets forth a technical explanation of an improvement over known systems that would be apparent to an ordinarily skilled artisan. *See* MPEP 2016.04(d)(1). The claims as amended do not serve as merely a drafting effort designed to monopolize electronic advertising generically but rather contain specific elements that improve the technological process of electronic advertising. The PTO has recognized that added limitations that amount to "[i]mprovements to the functioning of a computer, or [improvements] to any other technology or technical field" can make claims patent-eligible, as well as claims that have limitations directed to "[a]pplying the [abstract idea] with, or by use of, a particular machine." MPEP 2106.04(d)(I). Such claim elements are considered "indicative of integration into a practical application." The claims here meet those criteria. A computer programmed with the innovative technique has improved functionality in more effective electronic advertising, and thus claim 34 amounts to an improvement to the computer itself. And claim 34 improves the separate field of electronic advertising as well.

2. Standards and analysis under *Alice* Step 2B: Alternatively or additionally to the analysis under *Alice* Step 2A, claim 34 includes "significantly more" than any possible abstract idea and thus is patent-eligible under *Alice* Step 2B. Electronic advertising is a difficult problem, and solutions have been evolving for many decades. The limitations of claim 34 represent an improvement in the functioning of a computer-implemented electronic advertising method. A key consideration is whether a claim involves solely "well-understood, routine, conventional activities previously known to

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the industry, [and] specified at a high level of generality." MPEP 2106.05. (Some of the PTO's materials use the term "WURC" as an abbreviation for this test.) Under Step 2B, an examiner must first identify individual claim elements that "go beyond" the examiner-identified abstract idea and apply the WURC test. Even if all elements individually are "well-understood, routine, conventional activities previously known to the industry," moreover, the examiner must still consider the claim as a whole as "an ordered combination," i.e., to determine if it contains an "inventive concept."

The added elements of the pending claims are not "well-understood, routine, conventional activities previously known to the industry." The undersigned understands that the PTO takes the position that an element or claim can be considered "conventional" even in the absence of prior art. The MPEP specifically says that "the search for an inventive concept should not be confused with a novelty or non-obviousness determination," and "lack of novelty under 35 USC § 102 or obviousness under 35 USC § 103 of a claimed invention does not *necessarily* indicate that additional elements are well-understood, routine, conventional elements." MPEP 2106.05(I) (emphasis added). Nevertheless, a finding of novelty and non-obviousness is at least a *factor* supporting a conclusion of *non-conventionality*. Here, the prior art raised in this case, after thorough consideration, does not conflict, for the reasons stated in response to the obviousness rejection above.

Non-obviousness aside, the office action does not make any factual finding of WURC. For an examiner to conclude that elements are "well understood, routine, conventional activities," the examiner must point to one of the following: (a) any admission in the specification, (b) any court decision, (c) any publication, or (d) official notice. MPEP 2106.05(d)(I)(2). Absent such assertions, "If the element is not widely prevalent or in common use, or is otherwise beyond those elements recognized in the art or by the courts as being well-understood, routine or conventional, then the element will in most cases favor eligibility." Also, "If the additional element (or combination of

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elements) is a specific limitation other than what is well-understood, routine and conventional in the field, for instance because it is an unconventional step that confines the claim to a particular useful application of the judicial exception, then this consideration favors eligibility." MPEP 2106.05(d). In short, the absence of WURC favors patent-eligibility here under Step 2B for the reasons shown below.

It is also a factor favoring eligibility here under Step 2B that the instant claims do not merely automate activity done previously in a manual way, i.e., there is no analogous process previously performed by humans.

For any or all of the above alternate reasons, assignee respectfully submits that claim 34 is directed to eligible subject matter and respectfully requests withdrawal of the rejection.

Specific discussion of the particulars follows, beginning with the as-yet-unresponded-to remarks from the preliminary amendment and continuing with a discussion of previous PTO findings in connection with parent applications.

A. Previously presented and unrebutted explanation of existence of technical solutions overcoming specification-stated challenges. The current invention provides a technical solution that assists in overcoming certain difficulties explained in the specification or at least improving the situation. As explained in applicant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, addressed by the current invention, including the problem of websites monetizing general-content ad space when receiving categories of profiles that they could not use. Previous techniques would require specific negotiations between an ad-displaying website and a number of different referring websites, exchange of technical information to make any tagging possible, and constant updating as a website instituted new ad campaigns or finished running a campaign. Such a cumbersome contracting and technical-updating process prevented referring websites from being positioned to cause tags to be added timely.

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Also as the specification explains, worse, the prior art did not seem to allow such media property entities to deliver specifically a *subset* of users that it wished to target, and as a result the media property would end up delivering the ad to some "unwanted" visitors as a result of broader audience than desired being tagged.

Accordingly, obtaining a targeted audience was difficult *technically* to achieve, balancing the need for enough visitor volume (matching a desired target audience) against the desire to avoid excess visitors (those not matching desired targets). Known prior art techniques did not provide a way, technically and practically, for a media property entity to obtain a desired audience of both a sufficient size and a targeted type.

Another problem is that previous systems could not easily use profile information from one device to deliver ads to another device of the same user.

The unconventional system described by the pending claims assists in solving those problems. It allows media property entities to specify a desired audience to a "profile owner" that has access to users on account of their visit using a first visitor device to a "profile supplier," and the media property entity can cooperate with the "profile owner" to identify a subset making up their desired audience by arranging for delivery of a requested profile. The system also contemplates the media property using personally identifiable information to identify a second visitor device of the same visitor, so that a tag can identify that second device and link to the profile information from the first device. Such techniques allow media property entities access to the desired audience, without too many too broadly targeted visitors, avoid the need for custom negotiations with and technical assistance to multiple profile suppliers, allow ad campaigns to start timely, and permit scalability. Such techniques also allow targeting an ad to a second device based on profile information derived from the visitor's use of a first device.

B. The examiner previously withdrew an *Alice*-type rejection of related and broader claims after evaluating Section 101 arguments presented in a non-

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instituted CBM proceeding. In matter CBM2017-00059, the PTAB reviewed a petition (filed June 2, 2017) to hold parent U.S. Patent 8,244,574 as directed to unpatentable subject matter under *Alice*/Section 101. Although there are certain differences in claim language, the parent '574 Patent challenged in that CBM filing also has certain similarities to pending claim 34, as follows: (1) Part (b) in both instances refer to a specially programmed "profile owner computer" that selects an entity based on comparing visitor profile information with stored requests of plural entities; (2) part (a) in both instances refer to the selected entity having a computer system that responds to received matching profiles desired or requested by the entity; (3) both claims refer to a tag associated with a visitor device; and (4) both claims refer to later using a tag associated with a visitor device and causing delivery of a profile-dependent electronic advertisement. If anything the instant claim contains more specifics.

The PTAB declined to institute a CBM proceeding on the grounds that the claims were not financial-related, and CBMs proceedings can proceed only for patents that meet that criterion. *See* 11/30/2017 decision denying institution. Nonetheless, patent owner's remarks in that CBM presented arguments explaining why the claims complied with Section 101 and the *Alice* principles, and why the Petition's arguments to the contrary were incorrect.

Just prior to the CBM, this examiner had made a rejection under a 101/*Alice* theory in application SN 14/080,999, which led directly to the Grandparent application discussed above. *See* 9/15/2016 office action therein. Assignee responded on March 15, 2017, presenting arguments against that rejection. Then, on July 26, 2017, assignee filed a Supplemental Information Disclosure Statement advising the examiner of the CBM petition. The examiner repeated the Section 101 rejection in a final office action dated August 11, 2017. In remarks presented in connection with an examiner's interview on February 7, 2018 (*see* pp. 18-21 of attachment to examiner's report dated 2/13/2018), assignee presented arguments similar to those presented in assignee's 9/13/2017

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preliminary response in the CBM matter. The SN 14/080,999 application became abandoned in favor of the Grandparent application, and in a preliminary amendment there, assignee presented similar remarks, again arguing against a repeated Section 101 rejection. *See* pp. 19-22 of 2/9/2018 preliminary amendment in SN 15/893,354. By this point, the PTAB had denied institution of the CBM petition.

In the next office action, dated June 15, 2018, the examiner confirmed that he had reviewed the information cited in the parent, acknowledged the IDS filings, and *declined* to make a Section 101 rejection. In response, assignee confirmed, "No Section 101 (*Alice*) rejection has been repeated." 9/14/2018 Response in Grandparent SN 15/893,354, p. 10. The examiner did not thereafter reinstate any *Alice* rejection in the Grandparent. Appellant appealed from the *obviousness* rejection of the Grandparent application, but the PTAB reversed that rejection and, importantly, did not enter any new ground of rejection based on *Alice* (as it frequently does). The examiner did not make any *Alice* rejection upon remand from the Board, when reconsidering the application in view of the Board's decision. In the *Parent* too, the examiner did not make any *Alice* rejection.

Accordingly, from that history, it is clear that the examiner (1) reviewed the arguments for and against application of *Alice* in the CBM matter, (2) considered assignee's arguments made against application of *Alice* in the Grandparent and its predecessor, and (3) withdrew the *Alice* rejections upon accepting those arguments and (4) did not repeat thereafter *Alice* rejections **in either of two applications having broader claims than those pending here**. The office action contains no explanation for why, despite the previous findings, there is an *Alice* rejection inserted again in this application, even though the claims here are *more specific*, and thus *less* "abstract" and *less* general, than the claims for which the examiner *withdrew* the *Alice* rejection.

Conclusion as to 101 rejection. In sum, claim 34 recites limitations confirming that claim 34 addresses *technical* advances over the known prior art, and recites *unconventional* approaches, in particular in view of (a) limitations referring to linking at

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least two visitor devices and delivering advertisements to a second device based on profile information derived from contact of a first device with a profile supplier, and (b) limitations referring to direction of profile-specific advertisements to the second device when a visitor later gets to a website controlled by a media property entity, (c) which entity has been automatically selected out of a plurality of such entities by a profile owner computer based on comparing visitor profile information with stored media property requests. The PTO has previously acknowledged that such technical advances and unconventional approaches make similar claims non-abstract. The same conclusion should apply to pending claim 34.

10. Conclusion

In sum, the invention defined by amended claim 34 is clear, non-obvious, and patent-eligible. Assignee therefore deserves allowance of this application and grant of a patent.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: April 25, 2023

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Amendments

IN THE CLAIMS:

Please amend the claims as follows:

1 - 33 (Canceled)

34. (Currently amended) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);

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(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) ~~using personally identifiable information about the visitor, wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database~~; and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using [[the]] a tag ~~of part (c) that is~~ associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag ~~of part (c)~~ to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

35. (Previously presented) The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor.

36. (Previously presented) The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor, and wherein the profile information is derived from the visitor's activity using the computer of the visitor.

37. (Previously presented) The method of claim 36 wherein the tag identifies the mobile phone.

38. (Previously presented) The method of claim 36 wherein the profile owner computer is programmed to automatically select a media property entity using the profile information about the visitor derived from the visitor's activity using the

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computer of the visitor, which profile information was received by the profile owner computer as a result of a URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

39. (Previously presented) The method of claim 34 wherein the second visitor device is a computer and further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

40. (Previously presented) The method of claim 39 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

41. (Previously presented) The method of claim 34 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner company controlling the profile owner computer.

42. (Previously presented) The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

43. (Previously presented) The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

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44. (Previously presented) The method of claim 43 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

45. (Previously presented) The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

46. (Previously presented) The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic delivery of a requested profile comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected entity to place the first visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a database associated with the computer equipment of the selected entity, of the profile information.

47. (Previously presented) The method of claim 46 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

48. (Previously presented) The method of claim 47 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

49. (Previously presented) The method of claim 48 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

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Page 315

50. (Previously presented) The method of claim 49 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

51. (Previously presented) The method of claim 34 (i) wherein the electronic apparatus of the profile supplier operates in the Internet, (ii) wherein the second visitor device is a television of the visitor, and (iii) wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the television of the visitor.

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Exhibit 1009
Page 316

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	3622
Serial No.	:	17/401,052	Examiner	:	Sittner, M.
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on April 25, 2023

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated June 23, 2021, applicant requests consideration of the following remarks.

Amendments begin on page **2**.

Remarks begin on page **7**.

The following fees are submitted concurrently:

Extension of time (for the requested two months):	$640.00
Fee for information disclosure statement:	$260.00
TOTAL FEES:	$900.00

Electronic Acknowledgement Receipt	
EFS ID:	47909947
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	26-APR-2023
Filing Date:	12-AUG-2021
Time Stamp:	20:20:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$840
RAM confirmation Number	E20234PK24315602
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	38267 64382b99f5d8867e1bd5d36f3390195b924d25d8	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	38267		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Acknowledgement Receipt	
EFS ID:	47903097
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	26-APR-2023
Filing Date:	12-AUG-2021
Time Stamp:	01:44:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$900
RAM confirmation Number	E20234P247155800
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	23-04-25-PP-CON6-IDS_Cover.pdf	481533 6089b10c6be4dd8be11f73c1bee11d04419 4ed65	no	2
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
2	Information Disclosure Statement (IDS) Form (SB08)	23-04-25-PP-CON6-SUPP-IDS.pdf	466806 06647c9c1ac47f639e414657250f74455bae 82ea	no	4
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Fee Worksheet (SB06)	fee-info.pdf	40562 ab8689b1e6927f63558a54c01b356711c79 288d0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	988901		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal

Application Number:	17401052
Filing Date:	12-Aug-2021
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Michelle Lisa
Attorney Docket Number:	14-PP-CON6

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $640 paid	1253	1	840	840
Miscellaneous:				
		Total in USD ($)		**840**

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	11,564,015		01/24/2023	Shkedi	
	2	11,589,136		02/21/2023	Shkedi	
If you wish to add additional U.S. Patent citation information please click the Add button.						

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20070061838		03/15/2007	Grubbs et al.	
	2	20050108091		05/19/2005	Sotak et al.	
	3					
If you wish to add additional U.S. Published Application citation information please click the Add button.						

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

	1							☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	17401052
	Filing Date	2021-08-12
	First Named Inventor	Shkedi, Roy
	Art Unit	2425
	Examiner Name	Alcon, Fernando
	Attorney Docket Number	PP-CON6

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2023-04-25
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on April 25, 2023

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO/SB/08.

Assignee advises the examiner that the PTAB has granted institution (1) in IPR2022-01481, which was listed on the previous Information Disclosure Statement filed in this application on 09/21/2022, (2) in IPR 2022-01259, which was listed on the previous Information Disclosure Statement filed in this application on 08/01/2022, and (3) in IPR2022-01064, which was listed on the previous Information Disclosure Statement filed in this application on 07/13/2022. Another petitioner filed IPR2023-00384 and seeks joinder with instituted IPR2022-01064. None of these instituted IPRs relate to parents of the instant application; rather, they relate to a different "family" of patents sharing the same first-named inventor.

Assignee further advises the examiner that the PTAB has denied institution in IPR2022-01480, which was listed on the previous Information Disclosure Statement filed in this application on 09/21/2022, and in IPR2022-01319, IPR2022-01324, and IPR2022-01262, which were listed on the previous Information Disclosure Statement filed in this application on 08/01/2022.

Also, assignee wishes to direct the examiner to the co-pending proceedings in the table below, as well as the references cited in those proceedings. The listed patents share the same first inventor.

Serial No.	Filing Date	Patent Challenged
18/110,857	2/16/2023	Earliest parent filing date: 04/17/2007
17/985,146	11/28/2022	Earliest parent filing date: 01/13/2013

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: April 25, 2023

/Louis J. Hoffman/
Louis J. Hoffman, Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

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Exhibit 1009
Page 329

Electronic Acknowledgement Receipt

EFS ID:	47903082
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Michelle Lisa
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6
Receipt Date:	26-APR-2023
Filing Date:	12-AUG-2021
Time Stamp:	01:21:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	23-04-25-PP-CON6-RTOA-final.pdf	614174 cb2f4e1f8f7bd947a1a1aadf501b23b5a5472251	no	32

Warnings:

Information:	
Total Files Size (in bytes):	614174

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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Electronic Patent Application Fee Transmittal

Application Number:	17401052
Filing Date:	12-Aug-2021
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Michelle Lisa
Attorney Docket Number:	14-PP-CON6

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	1252	1	640	640
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
		Total in USD ($)		**900**

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 17/401,052	Filing Date 08/12/2021	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)			
FOR	NUMBER FILED	NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $480 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	04/26/2023	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	SLIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/Theresa OKON/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	4	(("6839680") or ("6446261")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2016/08/25 11:31 AM
L2	36	@ad<"20060619" and (collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/25 11:43 AM
L3	2	("20110314092").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:10 PM
L4	0	@ad<"20060619" and (tracking adj pixel) and (1x1)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:10 PM
L5	137	@ad<"20060619" and (tracking adj pixel)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:11 PM
L6	0	@ad<"20060619" and (tracking adj pixel) and (L3 adj x adj L3)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:11 PM
L7	0	@ad<"20060619" and (L3 adj x adj L3)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:11 PM
L8	7504	@ad<"20060619" and ("1 x 1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:11 PM
L9	0	@ad<"20060619" and (tracking adj pixel) and (URL adj redirect)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:31 PM
L10	2	@ad<"20060619" and (tracking adj pixel) and (URL near4 redirect)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 04:31 PM
L11	425010	@ad<"20060619" and ((profile adj owner) with report$6 or compensation)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 07:44 PM
L12	13	@ad<"20060619" and ((profile adj owner) with (report$6 or	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2016/08/30 07:45 PM

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		compensation))	IBM_TDB)				
L13	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 08:59 PM
L14	12396	@ad<"20060619" and ((profile) with (report$6 or compensation)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 08:59 PM
L15	4096	@ad<"20060619" and ((profile) near3 (report$6 or compensation)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:00 PM
L17	258	@ad<"20060619" and ((profile) near3 (report$6 or compensation) with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:01 PM
L18	0	@ad<"20060619" and (profile with report$6 with compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:01 PM
L19	165	@ad<"20060619" and (profile with compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:02 PM
L20	486	@ad<"20060619" and (profile with report with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:02 PM
L21	65	@ad<"20060619" and (profile near3 compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:02 PM
L22	148	@ad<"20060619" and (profile near3 report with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:02 PM
L23	71	@ad<"20060619" and (report$6 near3 profile near3 (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 09:03 PM
L24	106	@ad<"20060619" and (cookie near3 profile near3 information)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/30 10:25 PM
L25	0	@ad<"20060619" and (cookie near3 profile near3 locat$6 near3 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2016/08/31 12:38 PM

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L26	23	@ad<"20060619" and (cookie profile locat$6 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2016/08/31 12:38 PM
L27	0	@ad<"20060619" and (cookie profile locat$6 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	NEAR	ON	ON	2016/08/31 12:38 PM
L28	2	("20070130005").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2016/08/31 01:25 PM
L29	8	(("20070067297") or ("20070130005") or ("20030083938")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2018/06/11 04:12 PM
L30	3	(US-20070130005-$ or US-20070067297-$ or US-20030083938-$).did.	(US-PGPUB)	OR	ON	ON	2018/06/11 04:13 PM
L31	268511	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:30 PM
L32	3	((("DATONICS") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2020/07/29 12:30 PM
L33	158	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT)	OR	ON	ON	2020/07/29 12:30 PM
L34	331	(collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:50 PM
L35	2	("20110314092").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:50 PM
L37	2	(tracking adj pixel) and (1x1)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:50 PM
L38	2	(tracking adj pixel) and ("1x1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:51 PM
L39	4	(tracking adj pixel) and ("1 x 1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	ON	2020/07/29 12:51 PM

			JPO; DERWENT; IBM_TDB)				
L40	0	(tracking adj pixel) and ("1 by 1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:51 PM
L41	1137861	((profile adj owner) with report$6 or compensation)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:51 PM
L42	365	(cookie near3 profile near3 information)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:52 PM
L43	3	(L32 or L33) and @pd<"20050619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:52 PM
L44	0	L43 and (ad adj network)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:53 PM
L45	3	L43 and advertiser	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/07/29 12:53 PM
L46	274504	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:20 PM
L47	3	((("DATONICS") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2020/12/17 06:21 PM
L48	161	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT)	OR	ON	ON	2020/12/17 06:21 PM
L49	274504	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:21 PM
L50	316	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2020/12/17 06:21 PM

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			IBM_TDB)				
L51	18	((("DATONICS") near3 ("LLC"))).AS,AANM.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:21 PM
L52	324	L47 L48 L50 L51	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:22 PM
L53	17	L52 and @pd<"20050619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:22 PM
L54	67675	L46 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:23 PM
L55	0	automatic$4 (report$4 or identify$5) profile used owner deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:26 PM
L56	0	(report$4 or identify$5) profile used owner deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:26 PM
L57	50	(provid$4 or display$4) profile owner deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:26 PM
L58	4	L52 and L57	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:27 PM
L59	0	L53 and L57	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:27 PM
L60	4	L57 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:28 PM
L61	4	L60 not L58	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:28 PM
L62	28	(provid$4 or display$4) analytics profile deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:31 PM
L63	0	L62 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:31 PM

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L64	64	(provid$4 or display$4) report$4 profile deliver$4 (content or advertis$4)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2020/12/17 06:32 PM
L65	9	L64 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:32 PM
L66	9	L65 not L58	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:32 PM
L67	4388	conversion near5 report	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:35 PM
L68	1405	L67 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:35 PM
L69	85	L46 and L68	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:35 PM
L70	73	L69 and (analysis or analytics)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:36 PM
L71	18	L69 and analytics	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:36 PM
L72	18	L71 and advertis$5	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:36 PM
L73	12	(US-20030065557-$ or US-20070256095-$ or US-20070124767-$ or US-20070033104-$ or US-20030069786-$ or US-20040193482-$ or US-20070088604-$ or US-20070061187-$ or US-20050192873-$ or US-20030050845-$ or US-20030074206-$).did. or (US-7991732-$).did.	(US-PGPUB; USPAT)	OR	ON	ON	2020/12/17 06:36 PM
L74	12	L73 and (conversion near5 report) and analytics	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:37 PM
L75	0	(profile near5	(US-PGPUB; USPAT;	OR	ON	ON	2020/12/17

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		conversion near5 report) and analytics	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)				06:39 PM
L76	9	(profile near5 conversion near5 report)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:39 PM
L77	3	L76 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:39 PM
L78	218	demographic near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:41 PM
L79	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:41 PM
L80	974	L79 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:41 PM
L81	198	L46 and L80	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:42 PM
L82	1	L81 and (report$5 with reach)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 06:57 PM
L83	274504	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
L84	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
L85	974	L84 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
L86	198	L83 and L85	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 07:02 PM
L87	274504	705/14.1$.ccls.	(US-PGPUB; USPAT;	OR	ON	ON	2020/12/17

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		705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)				10:46 PM
L88	4376	(target or demographic or user or visitor) near3 profile near6 report$4	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
L89	974	L88 and @ad<"20060619"	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
L90	198	L87 and L89	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
L91	1	L90 and (report$5 with reach)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2020/12/17 10:46 PM
L92	2	("20030163370").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2020/12/17 10:46 PM
L93	441	((("SHKEDI") near3 ("Roy"))).INV,as,aanm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/12 07:51 PM
L94	5	((("DATONICS") near3 ("LLC"))).AS,AANM,inv.	(USPAT)	OR	ON	ON	2022/11/12 07:51 PM
L95	23	((("DATONICS") near3 ("LLC"))).AS,AANM,inv.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/12 07:51 PM
L96	34	("20080120178" OR "6285987" OR "8566154" OR "9110903" OR "11282105" OR "20010020242" OR "20020116313" OR "20040107287" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/11/12 08:03 PM

		"20040215515" OR "20050086109" OR "20060069616" OR "20070061331" OR "20070260514" OR "6490601" OR "7039699" OR "7299195" OR "7805332" OR "7822636" OR "7894448" OR "7899801" OR "8040819" OR "11301898" OR "11303973" OR "11368763" OR "20070157247" OR "5835896" OR "6034689" OR "6915271" OR "7251628" OR "7843923" OR "7899862" OR "7958224" OR "8131271" OR "10984445").pn.					
L97	246	("5999912" OR "6014638" OR "6016504" OR "6026368" OR "6026369" OR "6026374" OR "6044376" OR "6047310" OR "6049835" OR "6055513" OR "6073241" OR "6128663" OR "6134532" OR "6141010" OR "6188398" OR "6205432" OR "6216112" OR "6216129" OR "6285987" OR "6289318" OR "6308202" OR "6324519" OR "6327574" OR "6366298" OR "6385592" OR "6385592" OR "6401075" OR "6408278" OR "6415270" OR "6415322" OR "6446261" OR "6449657" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/11/12 08:33 PM

		"6484492" OR "6487538" OR "6615247" OR "6633850" OR "6654725" OR "6804660" OR "6810527" OR "6839680" OR "6868392" OR "6907566" OR "6983379" OR "6985882" OR "7003792" OR "7013290" OR "7038637" OR "7039594" OR "7039599" OR "7043531" OR "7051351" OR "7058593" OR "7065550" OR "7085682" OR "7155508" OR "7181438" OR "7188076" OR "7194424" OR "7299195" OR "7343354" OR "7346615" OR "7356711" OR "7360251" OR "7373599" OR "7386599" OR "7546249" OR "7552069" OR "7558795" OR "7580855" OR "7693863" OR "7698422" OR "7725944" OR "7756744" OR "7788358" OR "7805332" OR "7899801" OR "7930252" OR "7930253" OR "7937383" OR "7966647" OR "8036929" OR "8086491" OR "8464290" OR "8880677" OR "9117217" OR "20010020242" OR "20010034646" OR "20010039515" OR "20010042002" OR "20010044743" OR					

		"20020002541" OR "20020029267" OR "20020046105" OR "20020046286" OR "20020056109" OR "20020072965" OR "20020072965" OR "20020072971" OR "20020082910" OR "20020082923" OR "20020091568" OR "20020099603" OR "20020112013" OR "20020123928" OR "20020143632" OR "20020161636" OR "20020194058" OR "20020194589" OR "20030014304" OR "20030023481" OR "20030028871" OR "20030036944" OR "20030046156" OR "20030046689" OR "20030065558" OR "20030083938" OR "20030110497" OR "20030135413" OR "20030154126" OR "20030163370" OR "20030171990" OR "20030220837" OR "20030135460" OR "20040024632" OR "20040059632" OR "20040068436" OR "20040068477" OR "20040117322" OR "20040260605" OR "20050010472" OR "20050021387" OR "20050021397" OR "20050028188" OR "20050038698" OR "20050038702" OR "20050097204" OR "20050120091" OR "20050125289" OR "20050131762" OR "20050131762" OR "20050165644" OR "20050216336" OR "20050216823" OR "20050222905" OR "20050278443" OR "20060020508" OR "20060020510" OR "20060026061" OR					

		"20060053047" OR "20060064351" OR "20060069614" OR "20060070117" OR "20060085263" OR "20060095322" OR "20060106710" OR "20060116924" OR "20060122879" OR "20060161553" OR "20070067297" OR "20070121843" OR "20070130005" OR "20070260624" OR "20070283384" OR "20080052392" OR "20080133342" OR "20080183561" OR "20090049469" OR "20090106100" OR "20090129377" OR "20090132559" OR "20100198705" OR "20100293057" OR "20100299431" OR "20110167043" OR "20110258049" OR "6832207" OR "6925440" OR "6973436" OR "7072853" OR "7428493" OR "7454364" OR "7747745" OR "7822637" OR "7822639" OR "7861260" OR "7979307" OR "8051444" OR "8200822" OR "8204783" OR "8204965" OR "8239264" OR "8244574" OR "8244582" OR "8244583" OR "8244586" OR "8280758" OR "8281336" OR "8341247" OR "8494904" OR "8566164" OR "8589210" OR "8595069" OR "8600815" OR "8607267" OR "8671139" OR "8677398" OR					

		"8683502" OR "8695032" OR "8713600" OR "8775249" OR "8959146" OR "8997138" OR "9071886" OR "9078035" OR "9083853" OR "9131282" OR "9208514" OR "9226019" OR "9271024" OR "9351053" OR "9369779" OR "9508089" OR "9571865" OR "9591380" OR "9756372" OR "9800917" OR "9813778" OR "9830615" OR "10009636" OR "10026100" OR "10070200" OR "10134054" OR "10178442" OR "10306282" OR "10321198" OR "10405058" OR "10475073" OR "10628857" OR "10645438" OR "10715878" OR "10771860" OR "10839423" OR "11082753" OR "11093970" OR "20050086112" OR "20110040607" OR "20110040620" OR "20090172723" OR "20090049468").pn.					
L98	275	L97 OR L96	(US-PGPUB; USPAT)	OR	ON	ON	2022/11/12 08:33 PM
L100	184	L98 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:34 PM
L101	141	L100 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:35 PM
L102	4	L101 AND (profile near4 owner)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/12 08:35 PM
L103	13146	cookie WITH (device near3 (id OR identifier OR IMEI OR info OR information))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU,	OR	ON	ON	2022/11/17 11:48 AM

			SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L104	8935	cookie near6 (device near3 (id OR identifier OR IMEI OR info OR information))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 11:48 AM
L105	231	L104 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 11:48 AM
L106	12	L105 AND (PII OR (personal$5 near2 identif$4 near2 (info OR data OR information)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 11:49 AM
L107	57980	(identif$4 near5 (second near2 (client OR device)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L108	5005	L107 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L109	251	L108 AND cookie	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L110	113	L109 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:12 PM
L111	91	L110 AND (profile near3 (data OR info OR information))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:13 PM
L112	10	L111 AND (cookie WITH (device near4 (id OR identifier OR data)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 12:13 PM
L113	3206	((detect$4 OR recogniz$4 OR identif$5) near5 (second near2 (client OR device))) WITH (cookie OR tag OR profile)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 06:59 PM
L114	178	L113 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 06:59 PM
L115	350799	G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:00 PM
L116	20	L114 AND L115	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:00 PM
L117	2	(associat$4 near5 device) WITH cookie WITH profile WITH identifiable	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:11 PM

L118	1	L117 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:11 PM
L119	12	((associat$4 near5 (second ADJ device)) WITH cookie) AND profile	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:13 PM
L120	0	L119 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:13 PM
L121	370	(send$4 OR display$4 OR transmit$5 OR provid$4) near5 advertis$4 near5 (second ADJ (client OR device))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:16 PM
L122	3	L121 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:16 PM
L123	47	(link$4 near5 devices) WITH cookie WITH identifier	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:18 PM
L124	0	L123 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:18 PM
L125	35	(Artificial Intelligence) More like doc: US-20080259906-A1 Text: (EP-2147515-A1 OR WO-2008130736-A1 OR WO-2008130736-A9 OR CA-2684239-A1 OR AU-2008242476-A1 OR KR-20090128566-A OR US-20140223476-A1 OR US-7861260-B2 OR US-20160286281-A1 OR US-9813778-B2 OR US-9369779-B2 OR JP-2010527524-A OR US-20090049468-A1 OR US-20180124474-A1 OR US-10178442-B2 OR US-20100325659-A1 OR CN-101682441-A OR KR-101745847-B1 OR KR-20160079138-A OR US-8695032-B2).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/17 07:18 PM
L126	604	(target$4 near6 advertis$5) WITH (tv OR television) WITH online	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO,	OR	ON	ON	2022/11/17 07:20 PM

Amazon/AlmondNet
Exhibit 1009
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			MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L127	7	L126 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:20 PM
L128	2	L127 AND (cookie OR tag)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:21 PM
L129	2	L128 AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:21 PM
L130	10802	((detect$4 OR recogniz$4 OR identif$5 OR link$4) near5 (second near2 (client OR device))) AND (cookie OR tag OR profile) AND (UID OR (user ADJ (id OR identification OR identifier)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L131	8651	((detect$4 OR recogniz$4 OR identif$5 OR link$4) near3 (second near2 (client OR device))) AND (cookie OR tag OR profile) AND (UID OR (user ADJ (id OR identification OR identifier)))	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L132	410	L131 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:39 PM
L133	35	L115 AND L132	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:40 PM
L134	6	L133 AND cookie	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 07:43 PM
L135	2888	link$4 near3 (user ADJ devices)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L136	285	L135 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L137	8	L136 AND cookie AND profile	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:02 PM
L138	1251	(user near2 profile) WITH add WITH device	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:03 PM
L139	106	L138 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/17 08:03 PM
L140	94	(Target$4 near4 (content OR ad OR advertis$5)) near5 (second ADJ device)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/19 12:58 AM

L141	5	L140 AND @ad<"20060619"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/11/19 12:58 AM
L142	4	("20050097204").pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/11/19 11:45 PM
L143	8	(("6839680") or ("6446261")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2023/06/15 10:38 PM
L144	26	@ad<"20060619" and (collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L145	2	("20110314092").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L146	0	@ad<"20060619" and (tracking adj pixel) and (1x1)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L147	98	@ad<"20060619" and (tracking adj pixel)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L148	0	@ad<"20060619" and (tracking adj pixel) and (L3 adj x adj L3)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L149	0	@ad<"20060619" and (L3 adj x adj L3)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L150	6877	@ad<"20060619" and ("1 x 1")	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L151	0	@ad<"20060619" and (tracking adj pixel) and (URL adj redirect)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L152	2	@ad<"20060619" and (tracking adj pixel) and (URL near4 redirect)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L153	455748	@ad<"20060619" and ((profile adj owner) with	(US-PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	ON	2023/06/15 10:38 PM

		report$6 or compensation)	JPO; DERWENT; IBM_TDB)				
L154	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L155	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L156	12556	@ad<"20060619" and ((profile) with (report$6 or compensation)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L157	3868	@ad<"20060619" and ((profile) near3 (report$6 or compensation)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L158	241	@ad<"20060619" and ((profile) near3 (report$6 or compensation) with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L159	0	@ad<"20060619" and (profile with report$6 with compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L160	190	@ad<"20060619" and (profile with compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L161	522	@ad<"20060619" and (profile with report with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L162	58	@ad<"20060619" and (profile near3 compensation with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L163	143	@ad<"20060619" and (profile near3 report with (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L164	64	@ad<"20060619" and (report$6 near3 profile near3 (type or category)) not L13	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L165	82	@ad<"20060619" and (cookie near3 profile near3 information)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2023/06/15 10:38 PM

			IBM_TDB)				
L166	0	@ad<"20060619" and (cookie near3 profile near3 locat$6 near3 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L167	23	@ad<"20060619" and (cookie profile locat$6 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	WITH	ON	ON	2023/06/15 10:38 PM
L168	0	@ad<"20060619" and (cookie profile locat$6 database)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	NEAR	ON	ON	2023/06/15 10:38 PM
L169	2	("20070130005").PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	OFF	OFF	2023/06/15 10:38 PM
L170	8	(("20070067297") or ("20070130005") or ("20030083938")).PN.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L171	3	(US-20070130005-$ or US-20070067297-$ or US-20030083938-$).did.	(US-PGPUB)	OR	ON	ON	2023/06/15 10:38 PM
L172	363795	705/14.1$.ccls. 705/14.2$.ccls. 705/14.3$.ccls. 705/14.4$.ccls. 705/14.5$.ccls. 705/14.6$.ccls. 705/14.7$.ccls. G06Q30/0207-30/0277.cpc. G06Q30/02.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/06/15 10:38 PM
L173	5	((("DATONICS") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2023/06/15 10:38 PM
L174	186	((("SHKEDI") near3 ("Roy"))).INV.	(US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT)	OR	ON	ON	2023/06/15 10:38 PM
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		("1x1")	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)				10:38 PM
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PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

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Report Information from Dialog

June 15 2023 23:05

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Set#	Searched for	Results
S1	Profile pre/0 supplier	1061°
S2	Profile pre/0 provider	635°
S3	Profile pre/0 seller	204°
S4	Profile pre/0 broker	436°
S5	(targeted near/3 advertising) near/15 (second near/2 device)	18°
S6	S4 OR S3 OR S2 OR S1	2335°
S7	S6 AND S5	0°
S8	S6 OR S5	2353°
S9	(S6 OR S5) and (pd(19620101-20060619))	800°
S10	tag and cookie	66536*
S11	S10 AND S9	1°
S12	S11 OR S5	19°
S13	(S11 OR S5) and (pd(2003))	1°

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* Duplicates are removed from the search, but included in the result count.
° Duplicates are removed from the search and from the result count.

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Web server performance improvement and QoS provisioning

Author: Chen, Huamin

Publication info: University of California, Davis. ProQuest Dissertations Publishing, 2003. 3107963.

ProQuest document link

Databases: ProQuest Dissertations and Theses Professional

Keywords in context:

Full text: ... 64 5.1Cumulative distribution of maximum silent time minus maximum inter-packet arrival time. ..... 70 5.2Cumulative distribution of file sizes. . ..... 71 5.3Cumulative distribution of tag distances..... 72 5.4Sample HTML page. ..... 73 5.5TCP transmission flow..... 74 5.6UDP transmission flow..... 75 5.7Loss indifferent transmission flow..... 76 5.8Expected silent time function comparison..... ... distance is 5 frames..... 86 5.12Tag distance is 20 frames ..... 86 5.13Tag distances are 5 and 20 frames ..... 87 5.14Silent time with various tag distances under loss rate 10% . ..... 87 5.15Internet test..... 88 vii Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. List ... framework allows and facilitates personalized services that are of high value and significance in the e-commerce environment. Based on the history of accesses and the cookie information, personalized graphs for different classes of users or individuals can be created. These graphs will be stored at the proxies and will be used ... capable of client identification for the purpose of security and personalization. Usually this is done via access authentication [53]. The request is accompanied with a cookie acquired during the previous visit for identification purpose. 2.4.2 Assembler The function of the assembler is to create the web pages using the graph structure ... for managing the publishing aspect. The works in [51] and [50] addressed dynamic page caching by separating static portions from dynamic portions and used special tags in the markup language to instruct the client which part can be cached and how to fetch dynamic content. A cooperative caching approach for dynamic ... request sequences from the same client. Sessions can be identified either by HTTP/1.1 persistent connections [53] or from the state information within the presence of cookies [65]. Sessions exhibit distinguishable features from individual requests. For example, session integrity requires that once admitted for processing, all the following requests within a session ... of the copyright owner. Further reproduction prohibited without permission. Chapter 4- Interconnection with Backend Servers load informatioin request query (overloaded) drop Web Server request resource profile broker B control module broker C broker A listener Figure 4.4: Centralized model. request request+QoS info Web Server broker C broker A control module broker B ... as they are out of order or their context information is incomplete. The context information in HTML/XML documents refers to the location of the nested tag pairs. Most of the present research efforts in expediting document downloading are through network protocol optimization (mostly TCP). While TCP tuning or use of other ... kernel memory buffers before new packets arrive and fill the hole. Partial data with incomplete context information are stored in application level buffers before the tag matching constraint is resolved. The buffer consumption both in the kernel Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: ... context-aware transmission process (CATP) for web traffic. In CATP, the HTML/XML page contents are fragmented into several frames. The first frame (abstract frame) contains HTML/XML tags and pointers to their enclosed data. Subsequent frames (data frame) contains data that can be referenced by the pointers. The content in the data frames ... 5.9. 5.2Causes of the Silent Time This section analyzes the causes of silent time during Web accesses, which are TCPs packet drop and reordering, and tag matching requirement on the rendering applications. 5.2.1TCP Issues The current web infrastructure is built on top of TCP, which provides

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reliable delivery between communication peers. ... time minus max inter-packet arrival time 1e-06 Figure 5.1: Cumulative distribution of maximum silent time minus maximum inter-packet arrival time. 5.2.2Tag Matching The constraint of tag matching in rendering HTML pages also results in silent time. Insufficient context information, especially rendering styles, can lead to occurrence of significant silent time for ... end users could be frustrated by long delay in retrieving large tables via dial-up connections. Early delivery of context information can resolve this problem. Specifically, tag matching constraint arises because the start and end of the well-formed HTML tags must match to make their enclosed data meaningful. The tags are essentially predicative that establish the partial order of content within the page. Because tags can be nested, the interpretation of HTML files has to be informed of the complete context information. Consider an HTML paragraph, <H1>ABCD</H1> <H2>EFGH</H2> <H1>IJKL</H1>. Assume ... be rendered using style HI! In this case, in order to accurately render EFGH, the receivers has to wait for the arrival of the associated tags. It is conceivable that if the tags are separated far apart, loss or delay of any data segments that are enclosed by the tags will postpone the rendering of the other segments. We have conducted a survey of the tag distance in over 20 web sites including MSNBC, CNN, YAHOO, AMAZON.COM. Tag distance refers to the size of content that is enclosed by an HTML tag pairs (excluding the tags). For instance, the tag distance of HTML code Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol 71 100 ... 1 10 Size (KB) Figure 5.2: Cumulative distribution of file sizes. <small>ABCD</small> is the string length of ABCD which is 4 bytes. We measured the tag distance in terms of number of the Ethernet packet size (~1500B). Obviously, tags with distance exceeding that size should be split into at least 2 packets. We only consider HTML 3.0 tags. Tags like <HTML> and <BODY> are excluded in the measurement due to their minimal impact on page presentation. Inline scripts such as JavaScript and VBScript are not counted. It is projected that, in XML documents where tags proliferate, the rendering stagnancy due to unmatched tags could be more serious. We downloaded over 80,000 HTML files (including dynamic page outputs) using wget[56]. The average file size of these files is 25.5KB. The cumulative distribution of file sizes is presented in Figure 5.2. The cumulative distribution of the maximal tag distance in each file is plotted in Figure 5.3. Since x-axis is in log scale, distance 0 is omitted whose cumulative value is 55%. It is observed that, tag distance is nontrivial in the inspected pages; nearly half of these pages have to split tag pairs into several Ethernet frames and over 10% of them have tag distance more than 10 packets, which implies that browsers could have to wait for 10 packets to completely interpret the rendering style of the enclosed ... copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol72 100 &C i &Q_ 1000 10000 10 100 1 Tag dlstance(number of ethemet frames) Figure 5.3: Cumulative distribution of tag distances. nections, and 14.5 million new users subscribed to dial-up services versus 0.7 million to high-speed providers.). As a result, silent time due to transmission ... delivers in-order data streams to applications, we chose UDP as our transportation protocol. The data reliability is handled by the application layer. The aggregation of tags is the skeleton or structure of the page. Usually, when tags are stripped off, content blocks enclosed by tag pairs are rank-less. We thus propose to separate HTML tags from their enclosed content and deliver them in different packets. We call this scheme context-aware transmission process (CATP). It shares some similarities with the progressive ... following diagrams. Figure 5.4 illustrates an HTML page with three data sets: paragraph DI, table D2, and control section D3 that includes submission buttons. The tag pairs <form>, and </form>, <table> and </table>, <small> and </small> determines the presentation style of their enclosed data sets. Consider the following possible transmission process ... it cannot correctly interpret the rendering style without the complete context information. Thus the loss of fragment </small><table>D2 leaves the third fragment (</table>D3</form>) with unmatched tags. The browser does not know whether the trailing tag </small> is in the lost packet or in the forthcoming packets, the rendering process cannot be done until its context information is complete. The silent ... function of loss rate and retransmission algorithm. In Figure 5.7, every transmitted packet is self-contained and independent on others. The abstract frame that contains HTML tags and pointers is sent first followed by the individual data packets. Upon arrival, the data packets fill in appropriate positions in the abstract frame. So ... <table>D2 </table>D3</form> Figure 5.6: UDP transmission flow. transmission of other fragments, the silent

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time in this case is independent of the link loss rate and tag distance, thus the silent time due to packet loss or delay is T = P(arrival of 1 packet) * D = (1 p) *pn *n* ... protocol enhancements and is complementary with reliability assurance measures in other ISO layers. One could argue that the HTML pages can be optimized to reduce tag distances. A simple solution is to add redundant tags that retain the presentation style. For instance, adding start and end tags in HTML paragraph <SMALL>AB</SMALL> to transform it to <SMALL>A</SMALL><SMALL>B</SMALL> essentially reduce the tag ... distance in half. However, this approach does not eliminate silent time due to to out-of-order arrival. Moreover, CATP does not require any redundancy in HTML tags. 5.4Protocol Implementation In this section, we discuss the details of these two steps and the protocol implementation. The protocol consists the following two steps: ... partition and transmission. 5.4.1 Page Partition After authoring and before publishing of web pages, a DOM (Document Object Model) [104]compliant parser splits the pages into tags and data and stores them in separate files. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol 79 The tag files contain tags. The tag files are to be transmitted in abstract frames and data files are transmitted consequently. For instance, the parser splits the following HTML code into tag and data files that follow. Notice that the code is indented to reflect the inclusiveness of tag pairs. <HTML> <TITLE>EXAMPLE</TITLE> <BQDY> <SMALL>This is the body. </SMALL> </B0DY> </HTML> The tag file contains <HTML> <TITLE> <TITLE> <BODY> <SMALL> </SMALL> </BODY> </HTML>. The two data files from paths /html/title and /html/body/p contain EXAMPLE and This is the ... abstract frames should be as small as possible so they could be transported in the least number of packets. Thus, rather than putting all the tags into the abstract frames, only those that are far apart and have significant meanings in content rendering are selected, while the others remain with their ... to derive a heuristics to construct the abstract frame that meets the preceding requirements. In [39], we elaborate the algorithm that select a subset of tags and semantic information based on the mobile devices capability. There are tags that incorporate program codes such as in JavaScript and VBScript. Some of the codes need to be executed to manipulate the rendering styles of certain fragments within the documents. In this occasion, the codes should be included in the abstract frames as well. From a caching standpoint, tag files are relatively stable, usually only data change but the structures remain the same for a longer duration. Tag files are usually small and can be stored within the memory for fast retrieval. 5.4.2Transmission A browser requesting for abstract and data files must advertise ... data from path /html/title with the following request. GET file.html HTTP/1.1 Expect:progressive Expect:path/html/title The server responds to the request by sending the data enclosed within tag pairs TITLE. HTTP/1.1 200 OK Content-Type:text/html Pragma:path/html/title EXAMPLE In a similar manner, the client can get the data from path /html/body/small. 5.5Performance Implications The scheme ... scheme works for the following simple XML document. <book> <name>DI</name> <author >D2 </ author ><abstract >D3</abstract> </book> In this scenario, the tags are sent in the abstract frame first followed by the data frames. The modified SAX can construct the tags and their associated data and invoke proper functions to parse them. The first data frame that contains D1 is delayed in transmission and arrives at ... qualitative purposes and may not reflect the real situation. We constructed two pages of 10KB and 50 KB respectively. In each of these pages, the tag distance ranges from 1 to 5 and 20 Ethernet frames, respectively. The rationale behind the page construction is that TCPs performance in retrieving small (10KB) and medium (50KB) sized documents can be monitored; the tag distance range is controllable thus its Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol ... 100 requests were initiated for each loss rate configuration and their average maximum silent time is plotted. Figure 5.11 represents the silent time of small tag distance. Figure 5.12 depicts the silent time under large tag distance and Figure 5.13 compares the impact of tag distance. It is observed that the large tag distance incurs longer silent time under all configurations. Note that TCPs performance is not directly affected by tag distances, but longer tag distance usually means larger file to transfer where TCP is more sensitive to loss. When the loss rate is low, TCP outperforms both UDP and ... rate. Thus the performance of UDP is better than TCP under highly lossy situations. But as discussed earlier, pure UDP does not circumvent the unmatched tag blocking thus is still subject to HOL blocking. Whereas the context-aware scheme is not obstructed by tags and thus exhibit even

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better performance. As demonstrated in Figure 5.14, the variation of tag distances has more significant impact on pure UDP transportation. Overall CATP is better than TCP and context-unaware UDP. For a duration of three days with ... Chapter 5: Context-Aware Web Document Transmission Protocol 100 10 1 0.1 TCP UDP CATP 0.01 15 10 20 0 5 Drop rate {%) Figure 5.11: Tag distance is 5 frames 1000 100 10 1 0.1 TCP ------- UDP..... CATP ..... 0.01 0 5 10 15 20 Drop rate (%) Figure 5.12: Tag distance is 20 frames Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol 1000 100 ... 5 TCP.distance 20 UDP, distance 5 UDP,distance 20 -CATP, distance 5 CATP,distance 20 - 0.01 15 20 10 Drop rate (%) 5 0 Figure 5.13: Tag distances are 5 and 20 frames UDP CATP 3.5 S o 2.5 E to 0.5 5 20 25 35 40 0 10 15 30 45 50 Tag distance (frames) Figure 5.14: Silent time with various tag distances under loss rate 10% Reproduced with permission of the copyright owner. Further reproduction prohibited without permission. Chapter 5: Context-Aware Web Document Transmission Protocol UDP ... this paper is also based on the component-frame architecture, the way that a Web page is partitioned into various component is based on the surrounding tags and the content length. The goal of this paper is to expedite Web page transmission and rendering whereas the other works are mainly intended to ... in the process of Web page delivery occurs due to packet delay, loss and reordering. TCPs in oder data delivery to browsers and the long tag distance in Web pages contribute to the HOL blocking problem and results in longer user perceivable silent time. We propose a UDP-based out-of-order capable Web ... problem. This protocol splits the structure and data in separate data frames such that the rendering of HTML data is not constrained by their enclosing tags. As a result, data blocks can be rendered immediately after their arrival at the end users without having to waiting for the complete context ... the partial data. Current application protocols like HTTP cannot support this approach due to the following constraints: TCPs in-order data uploading to the applications and tag matching. We propose a context-aware transmission process (CATP) to run on top of UDP. This protocol does not transmit HTML/XML files in-order. Instead, it reorganizes the files and transmit tags first before transporting their enclosed data. Conforming browsers receive the file structures and fill in with subsequent data packets in whatever sequence they arrive. As ...

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First Named Inventor	Shkedi, Roy
Art Unit	2425
Examiner Name	Alcon, Fernando
Attorney Docket Number	PP-CON6

U.S.PATENTS

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/M.J.S./	2	7822636		2010-10-06	Ferber et al.	
/M.J.S./	3	7899801		2011-03-01	Bronson et al.	
/M.J.S./	4	7805332		2010-09-28	Wilson	
/M.J.S./	5	7894448		2011-02-22	Lillibridge et al.	
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Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

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/MICHAEL J SITTNER/ 11/12/2022

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: Sept. 21, 2022

/Louis J. Hoffman/
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Art Unit	2425
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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.J.S./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Shkedi, Roy et al.	Art Unit	:	2425 (in parent)
Serial No.	:	17/401,052	Examiner	:	Alcon, F. (in parent)
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS-Web on July 13, 2022

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on attached form PTO-1449. Assignee submits herewith copies of all NPL references that were not previously cited in this application.

Also, assignee wishes to direct the examiner to the co-pending applications and proceedings in the table below, as well as the references cited in those proceedings. All listed applications and the listed patent share the same first inventor

Serial No.	Filing Date	Earliest Parent Filing Date
17/714,965	04/06/2022	04/17/2007
17/092,651	11/09/2020	01/30/2013
17/714,936	04/06/2022	06/16/2006 (prov.)
17/843,311	06/17/2022	08/03/2011 (prov.)
17/401,078	08/12/2021	12/31/2007
IPR2022-01064	05/31/2022	N/A – re: USP 9,830,615 (same family as SN 17/714,936, above)

/MICHAEL J SITTNER/

11/12/2022

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: July 13, 2022

/Louis J. Hoffman/
Louis J. Hoffman, Reg. No. 38,918

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Scottsdale, Arizona 85260
(480) 948-3295

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/401,052	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06Q30/02; /0207-/0277 all with text	10/10/2022	MJS
G06Q30/02; /0207-/0277 all with text	11/02/2022	MJS
G06Q30/02; /0207-/0277 all with text	11/18/2022	MJS
G06Q30/02; /0207-/0277 and H04L 67/14 all with text and	06/15/2023	MJS

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Applicant and Assignee Search; double patenting rejection applicable	10/10/2022	MJS
PE2E, NPL and AI Search - see SRNTs	10/10/2022	MJS
updated PE2E, NPL and AI Search - see SRNTs	11/02/2022	MJS
updated PE2E, NPL and AI Search - see SRNTs	11/18/2022	MJS
Applicant and Assignee Search; double patenting rejection applicable	06/15/2023	MJS
Updated PE2E, NPL and AI Search - see SRNTs	06/15/2023	MJS

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/401,052	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

Amazon/AlmondNet
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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/401,052	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	11/19/2022	06/15/2023							
	34	✓	✓							
	35	✓	✓							
	36	✓	✓							
	37	✓	✓							
	38	✓	✓							
	39	✓	✓							
	40	✓	✓							
	41	✓	✓							
	42	✓	✓							
	43	✓	✓							
	44	✓	✓							
	45	✓	✓							
	46	✓	✓							
	47	✓	✓							
	48	✓	✓							
	49	✓	✓							
	50	✓	✓							
	51	✓	✓							

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Notice of References Cited	Application/Control No. 17/401,052	Applicant(s)/Patent Under Reexamination Shkedi, Roy	
	Examiner MICHAEL J SITTNER	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20070005990-A1	01-2007	Sathish; Sailesh	G06Q30/02	713/189
*	B	US-20050097204-A1	05-2005	Horowitz, Russell C.	G06Q30/0273	705/14.69
*	C	US-20040068477-A1	04-2004	Gilmour, David L.	G06Q30/02	1/1
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Page 386

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6	9730

26362 7590 06/22/2023

LOUIS J. HOFFMAN, P.C.
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EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
06/22/2023	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
dsalavi@northwestpatent.com

Office Action Summary	Application No. 17/401,052	Applicant(s) Shkedi, Roy	
	Examiner MICHAEL J SITTNER	Art Unit 3622	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on 04/26/2023.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☑ This action is **FINAL.** 2b) ☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 34-51 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 34-51 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 7/13/2022; 8/1/2022; 9/21/2022; 4/26/2023.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

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DETAILED ACTION

Status of Claims

1. The present application is being examined under the pre-AIA first to invent provisions.

2. This action is in reply to the Remarks and Amendments filed 04/26/2023.

3. Claims 1-33 were canceled by preliminary amendment.

4. Claims 34 has been amended.

5. Claims 34-51 have been examined and are currently pending.

Interpretation of Claim Language

6. Per MPEP § 2106.II.C, unless a term is given an "explicit" and "clear" definition in the specification the examiner is obligated to give a claim term its broadest reasonable interpretation, in light of the specification as it would be interpreted by one of ordinary skilled in the art (MPEP § 2111). This means that the words of a claim must be given their "plain meaning" unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. An example of a term does not constitute a "clear definition" beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "'set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning (see MPEP § 2111.01.IV and 2173.05(a)).

7. **Indicia of profile information** is not given an "explicit" and "clear" definition in the specification; Indeed, this term is not mentioned anywhere in the Original disclosure (Parent's Specification, claims, or drawings). Therefore, the term "indicia of profile information" is given its plain meaning (e.g. signs, indications, or distinguishing marks of profile information) as would be understood by a person of ordinary skill in the art at the time of the invention.

8. **A tag** is not given an "explicit" and "clear" definition in the specification. Therefore applicant's term "tag" is given the broadest reasonable interpretation, in light of the specification. Per Provisional Specification

(60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…"*. According to spec [6:10-11], *"…the tag could be whatever the software wants it to be, including a cookie of any domain."* According to at least [6:11-15], *"A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database*"; see also Spec [19:20-30].

9. **Profile owner** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PO" or "Profile Owner" is given the broadest reasonable interpretation, in light of the specification. Spec [pg. 8:13-15] states, "…*profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner)…"*; and [pg. 11:15-20], *"the Profile Owner company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a payment. Any profile supplier (defined above) can also be a PO profile owner company."* and [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*.

10. **Profile supplier** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PS" or "Profile Supplier" is given the broadest reasonable interpretation, in light of the specification. Profile supplier, as already noted *supra*, e.g. at Spec [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*. Note that at Spec [pg. 3:3-5]: "…a publisher that is a BT company may also be its own profile supplier….".

11. **Media Property** per Provisional Specification (60/805,114) at pg. 5 Applicant provides the following note: *"…a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor. This definition of a media property will therefore include a web site, an ad network of sites where the ad network represents the ad space of different sites, a TV program, a cable company that represents some of the ad space within TV programs or TV channels, a TV network, any entity allowed to sell an advertisement and deliver it within an advertisement space whether the ad space is owned by that entity or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space could be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio etc. An ad space could be a fixed position on a page or the ad space could be made available by a web site to an ad network for example only when the web site did not sell all of the site's ad inventory and therefore makes some of the inventory available to the ad network…"*

Double Patenting

12. The **nonstatutory** double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. **A nonstatutory obviousness-type double patenting** rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

13. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

14. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Pending Claims 34-51 are rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of U.S. Patent 10,984,445 (previously US application 15/893,354) in view of Sathish (US US 2007/0005990 A1; hereinafter, "Sathish") as shown below and therefore, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application, except for features labeled “C”, “D” (shown in the claims comparison provided below), are fully disclosed in the patent; i.e. as exemplified in the comparison of claim 34 of the instant application and claim 1 of the patent, as shown below. Furthermore, features labeled “C” and “D” are obvious in view of the limitations as recited by the patent and the teachings of Sathish, also as explained below. Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See In re Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

34. (Currently amended) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);

(c) with the computer system using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a) ~~using personally identifiable information about the visitor, wherein a tag identifying the second visitor device serves as a link to the profile information associated with the visitor in the database~~; and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using [[the]] a tag ~~of part (c) that is~~ associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag ~~of part (c)~~ to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

As is evidenced by claim 1 of Patent 10,984,445, the patent although teaching "later, when the visitor device (i.e. known by virtue of the patent's recitation of "wherein a tag associated with a visitor device

serves as a link to the profile information of the visitor") is available to receive an advertisement, with the computer system, (i) using the tag that is associated with the visitor device to access profile information, etc…", the claims may not explicitly recite identifying a *second* visitor device *using personally identifiable information*, etc… and subsequently causing delivery of an electronic ad to this second device.

However, these features as recited below, are shown to be taught by a combination of claim 1 of Patent 10,984,445, and the teachings of Sathish, as follows:

> ***(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a)*** (Sathish, see at least [0002] in view of [0053]-[0054], teaching e.g.: "…In Step 106 one or more additional devices [second devices] send a session establishment request to the Interaction Manager 230. In one embodiment, each request includes a 'multimodal profile' [tag including PII about the visitor] including: a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID [personally identifiable information]… Using the unique user ID [using personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multimodal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108). As above, the subsequent device(s) will use this session ID in all messages relating to the session sent to the Interaction Manager 230, etc…"); ***and***
>
> ***(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag[1] associated with the second visitor device as a link to***

[1] Regarding "tag", As noted supra: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…*". According to spec [6:10-11], "*…the tag could be whatever the software wants it to be, including a cookie of any domain.*"

access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor (Sathish, see at least [0005]-[0007] in view of [0053]-[0060], teaching, e.g.: "…The Interaction Manager 230 determines, based on these requirements and conditions, as well as the capabilities and user preferences of each device, what part of the application will be processed by each device (i.e., which modality each device will contribute to the multimodal interaction) and distributes the application to the devices accordingly (Step 500 above)… As shown, the Interaction Manager 230 first queries the Composite Capability Profile 480 created by the Profile Manager 234 for the established session in Step 501. As stated above, the Composite Capability Profile 480 is a compilation of the capabilities and user preferences of each of the devices participating in the session. As each device joined the session, the Profile Manager 234 added the capabilities and preferences of that device to the Composite Capability Profile 480… if the devices are capable of supporting (and willing to support) the multimodal application the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup language of the application accordingly… the multimodal application has been written so as to be comprised of different portions that are specifically catered to each modality, such that these different portions may be divided into one more modality markups, wherein each modality markup is associated with a different modality (e.g., speech, handwriting, or keystrokes) and further with a respective device. The determination of which device will contribute which modality (and therefore receive which modality markup) is based, at least in part on, …the capabilities and user preferences of each device listed in the Composite Capability Profile 480…"; applicant's "advertisement" (which is conveyed via some mode, e.g. text graphics, audio, visual, video, etc… and corresponding markup language – "markup") reads on the portion provided to the second device based its "capabilities and user preferences of each device listed in the Composite Capability Profile 480".)

In view of these teachings, Examiner understands the patent's "tag", which per the original specification, as noted per the footnote provided *supra*, "*could be whatever the software wants it to be, including a cookie of any domain",* to be analogous to Sathish's "multimodal profile" which Sathith teaches as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely applying known techniques of Sathish (directed towards using a multimodal profile to identify a second device of a user to which a specific mode of a multimodal application should be processed, e.g. per example at [0062] or, for example a video ad of a multimodal web site, by using a unique user ID, received within the multimodal profile [cookie / tag] via a session request, of this second device to determine if this unique user ID is the same as already received from a first device, e.g. based on profile 480 and user preferences and linking the profile with the profile received from a first device, via this composite profile 480, etc… and later, when this second device is "capable and willing" to receive a multimodal application markup, the proper portion is selected and delivered to the device dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of the Conflicting Patent claim 1 to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Patent claim 1, to enable targeted marketing to a second device of the same user who previously visited an entity with a first device with motivation to more accurately target advertising and/or because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim Rejections - 35 USC § 101

16. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

17. Claims 34-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea (i.e. a judicial exception) without significantly more.

Per step 1 of the 2019 Revised Patent Subject Matter Eligibility Guidance, the claims are directed towards a process, machine, or manufacture.

Per step 2A Prong One, the claims recite specific limitations which fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG, as follows:

Per Independent claims 34:

- *"A method of causing delivery of electronic advertisements based on provided profiles comprising:*
- *select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who accessed [a web site] using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, each stored request being for requested profiles or kinds of profiles,*
- *identifying a second visitor device of the visitor using personally identifiable information about the visitor,*
- *later, when the second visitor device is available to receive an advertisement, (i) using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.*

As noted *supra*, these limitations fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG. Specifically, these limitations fall within the group **Certain Methods Of Organizing Human Activity** (e.g. fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions).

That is, these steps as drafted, are not technical in nature, they do not seek to provide a technical solution to a technical problem but instead are a business decision to provide profile information upon request from an entity (e.g. a website) who has requested such information, and subsequently targeting

advertising to a device [second device], which is inferred to belong to a user who has used a first device, based on undisclosed use of personally identifiable information, where the targeted advertisement is based on profile information which may be mediated or linked by a "tag" (e.g. the ubiquitous "cookie"); hence these features are directed towards targeted advertising and thus falling into Certain Methods of Organizing Human Activity. Note that there is no technical improvements purported in any of the features of the "tag", the "selection" of an entity to whom profile information is delivered, nor of storage of profile information, nor of any technical means by which to "identify" a device. Furthermore, the mere nominal recitation of a generic computer components (*e.g. with a computer system… automatically storing in a database associated with the computer system, first device, second device, profile owner computer, etc…)* does not take the claim limitations out of the enumerated grouping. Thus, the claims recite an abstract idea.

Per step 2A Prong 2, the Examiner finds that the judicial exception is not integrated into a practical application. Although there are additional elements, other than those noted *supra*, recited in the claims, none of these additional element(s) or a combination of elements as recited in the claims apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that it is more than a drafting effort designed to monopolize the exception. As drafted, the claims as a whole merely describe how to generally "apply" the aforementioned concepts using generic computer components, "link" them to a field of use (i.e. in this case targeted advertising to associated second device based on undisclosed use of personally identifiable information and linked profile information via undisclosed use of a "tag", e.g. a cookie), or serve as insignificant extra-solution activity (e.g. storage of requested profile data). The claimed computer components are recited at a high level of generality and are merely invoked as tools to implement the idea but are not technical in nature. Simply implementing the abstract idea on or with generic computer components is not a practical application of the abstract idea.

These additional limitations are as follows: descriptions of the context of receiving profile information, e.g. "*about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device",* descriptions of various business relationships, e.g.: *"plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored*

request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system", "when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a)"

However, these elements do not present a technical solution to a technical problem; i.e. Applicant's invention is not a novel nor new technique nor technical solution for "receiving requests" nor "storing" profile information in a database nor "automatic" arrangement of delivering requested data – i.e. profile information. The additional elements do not recite a specific manner of performing any of the steps core to the already identified abstract idea. Instead, these features merely serve to generally "apply" the aforementioned concepts and "link" them to a field of use or are insignificant extra-solution activity to the already identified abstract idea and do not integrate the abstract idea into a practical application thereof.

Per Step 2B, the Examiner does not find that the claims provide an inventive concept, *i.e.*, the claims do not recite additional element(s) or a combination of elements that amount to significantly more than the judicial exception recited in the claim. As discussed with respect to Step 2A Prong Two, the additional elements in the independent claims were considered as merely serving to "link" the idea to a field of use, or "apply" the idea via generic computing components, or insignificant extra-solution activity. For the same reason these elements are not sufficient to provide an inventive concept; i.e. the same analysis applies here in 2B. Mere instructions to apply an exception using a generic computer component and conventional data gathering cannot integrate a judicial exception into a practical application at Step 2A or provide an inventive concept in Step 2B. So, upon revaluating here in step 2B, these elements are determined to amount to no more than mere instructions to apply the exception using generic computer components (i.e. a server) and/or gather and transmit data which is well-understood, routine, conventional activity in the field; i.e. note the Symantec, TLI, and OIP Techs Court decisions cited in MPEP 2106.05(d)(II) indicate that mere receipt or transmission of data over a network is a well-understood, routine, and conventional function when it is claimed in a merely generic manner (as it is here).

Accordingly, alone and in combination, these elements do not integrate the abstract idea into a practical application, as found *supra*, nor provide an inventive concept, and thus the claims are not patent eligible.

As for the dependent claims, the dependent claims do recite a combination of additional elements. However, these claims as a whole, considered either independently or in combination with the parent claims, do not integrate the identified abstract idea into a practical application thereof nor do they provide an inventive concept.

For example, dependent claim 35 recites the following: "*The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor.*" However, applicant did not invent either a computer or the television. Indeed, at this high-level of generality, these elements can only be considered as non-functional descriptions of user devices as no functional relationship is provided which would impart a limitation on any of the claimed steps. As such, these features are either merely part of the abstract idea of targeted advertising to known user devices which include tv and computers or merely serves to tie the abstract idea to the field of use (e.g. electronic devices such as are known) neither of which is significantly more than the already recited abstract idea.

As another example, dependent claims 36 recites the following: "*The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor, and wherein the profile information is derived from the visitor's activity using the computer of the visitor.*" However, similar to the analysis of claim 35, at this high-level of generality, the computer and mobile phone elements can only be considered as non-functional descriptions of user devices as no functional relationship is provided which would impart a limitation on any of the claimed steps. As such, these features are either merely part of the abstract idea of targeted advertising to known user devices which include computers and mobile phone or merely serves to tie the abstract idea to the field of use (e.g. electronic devices such as are known) neither of which is significantly more than the already recited abstract idea. Regarding the *profile information is derived from the visitor's activity using the computer* feature as recited, this feature is not significantly more than the already recited abstract idea but is instead part of the abstract idea of targeting advertising to an associated device based on profile information which may be collected via use of a first device.

Therefore, the Examiner does not find that these additional claim limitations integrate the abstract idea into a practical application nor provide an inventive concept. Instead, these limitations, as a whole and in combination with the already recited claim elements of the parent claims, are not significantly more than the already identified abstract idea. A similar finding is found for the remaining dependent claims.

For these reasons, the claims are not found to include additional elements that are sufficient to amount to significantly more than the judicial exception and are therefore patent ineligible.

Please see the 2019 Revised Patent Subject Matter Eligibility Guidance published in the Federal Register (84 FR 50) on January 7, 2019 (found at http://www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials).

Claim Rejections - 35 USC § 103 (pre-AIA)

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 34-37, 39, 41-43, 45-47, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilmour** et al. (US 2004/0068477 A1; hereinafter, "Gilmour") in view of **Sathish** (U.S. 2007/0005990A1; hereinafter, "Sathish").

Claim 34:

Pertaining to the limitations of claims 34, Gilmour teaches the following:

A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system; (Gilmour, see at least Figs. 3, 8-9 and at least [0039], and [0050]-[0058], teaching e.g.: "The profile service provider 34 is shown to include a matching engine 54 that implements a set of matching rules 57 to locate one or more profiles 44 based on a received query 58. A requesting entity 50 [computer system] may issue a query [request for profiles by an entity controlling the computer system] (e.g., in the form of an XML document) to the matching engine 54 which applies matching rules 57 to identify matched profiles based on criteria specified within the query. …a query result 66 [*electronic receipt from a profile owner computer*] may include any or all information contained within a profile. In one embodiment, the contents of the query result 66 may be specified by a query 58 [the *request for a profile or kind of profiles by an entity controlling the computer system*]…"; and Per [0082]-[0084]: "…the query results 66 may, …include contact details by which the relevant profile subjects 90 may be contacted (e.g., e-mail address or telephone number)… For example, the requesting entity 50 has identified a particular profile subject 90 [visitor] as being a candidate for the purchase of a digital camera, the contact request communicated to the profile subject 90 may include an offer to sell a camera at a very favorable purchase price…"; applicant's "visitor" reads on Gilmour's "profile subject 90 (e.g., the individual 32)". The difference between the limitation and the teachings of Gilmour is only that Gilmour may not explicitly teach his "requesting entity 50" [computer system] also "stores" the "query result 66" which it receives. However, because Gilmour already teaches other computer systems store the profile information, e.g. "profile portion 82…, 86, 88, etc…" -see Fig. 6, and Gilmour does teach his "query result 66" may contain contact details of these profile portions, and Gilmour teaches that "requesting entity 50" [computer

system] uses such details to contact "profile subject 90" [visitor] for the purpose of providing targeted advertising, the Examiner finds that Gilmour himself provides ample motivation to a person of ordinary skill in the art practicing the invention of Gilmour to modify Gilmour to store his disclosed "query result 66" by his "requesting entity 50" [computer system] at least to enable his disclosed future use of such information to send his "contact request" and/or advertisement to the "profile subject 90 (e.g., the individual)" [visitor] because storage systems are ubiquitous, were within the level of ordinary skill, and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried using such storage means within their knowledge to store Gilmour's received query result 66 [*electronic receipt from a profile owner computer*] by Gilmour's requesting entity 50 [computer system] because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.

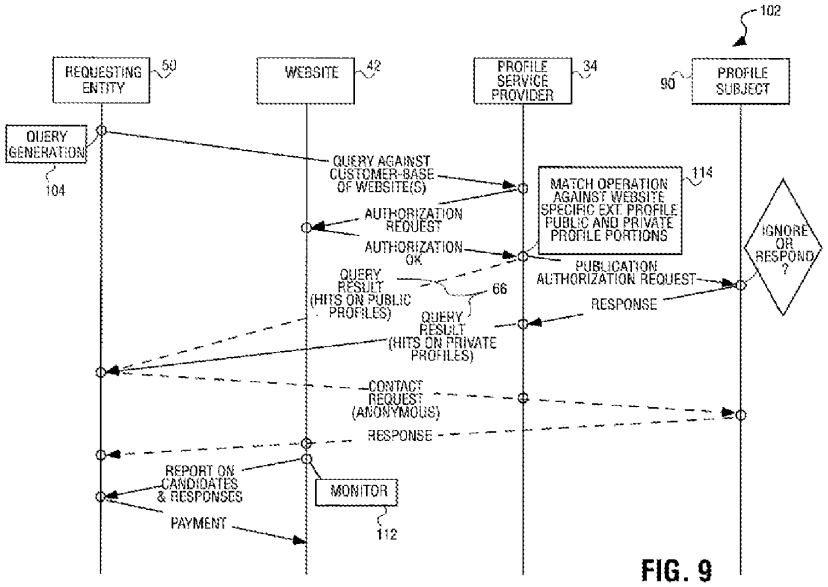


FIG. 9

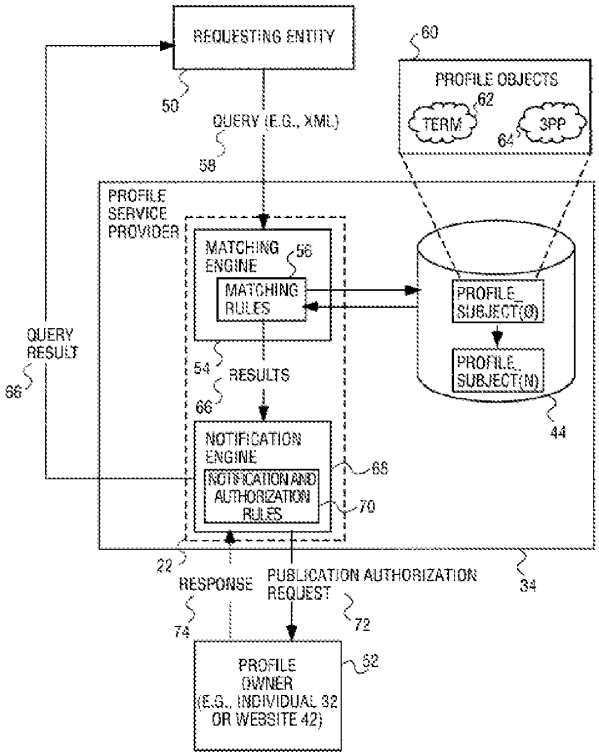


FIG. 3

),

(b) wherein the profile owner computer is programmed to:

(i) automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system (Gilmour, see again at least Figs. 3, 8, 9 and at least [0039]-[0042] regarding website 42 dropping a “cookie” on “client

computer system 36" [e.g. a first device] visiting/accessing website 42, where the cookie may "be utilized to identify the individual" [profile information], and "the profile service provider 34 [profile owner] receives profile information, for example harvested by a website 42, in the form of an eXtensible Markup Language (XML) document, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier]…" and these profiles are "selectively publish[ed] to third parties"; i.e. a third party requesting such a profile is not selected unless the profile info of the visitor authorizes the third party to receive such info; also per [0058]-[0061] in view of [0088]-[0093], teaches "…Profile service provider" [profile owner computer] sends a "query result 66" to an entity out of a plurality of entities requesting profile information [i.e. a media property entity has been selected, to whom a query result is to be sent, based on matching criteria]. The "query result 66" is sent to a selected entity 50 based on the Profile Service Provider's comparison of: (A) stored "profile portions 82, …86, 88, etc…" [profile information] received from a websites 42 [profile suppliers], about a user who had visited "website 42" [profile supplier] (e.g. as discussed at least also per [0039]), with (B) stored "queries 58" [stored requests] received from "requesting entities 50" [other media property entities, one of which is "requesting entity 50"/entity controlling computer system]; e.g.: "…shown in FIG. 9, responsive to an authorization grant from the website 42, the profile service provider 34, at block 114, performs a matching operation against each of the external profile portions 82 (e.g., proprietary profile databases) of the external profilers 84 from which the profile service provider 34 has obtained authorization. The matching operation may also be performed against the public and private portions 86 and 88 constructed by the profile subject 90… query results 66 may be communicated directly to the requesting entity 50. Otherwise the query results 66, which generated as a result of hits that occurred against other private portions or external profile portions for which a rule 70 requires authorization, are published to the requesting entity 50 upon receipt of an affirmative response from the profile subject 90…"),

> ***and (ii) when the selected media property entity is the entity controlling the computer system, automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a)*** (Gilmour, see again at least Figs. 3 and 9, and [0056]-[0061] and regarding "query result 66" is communicated [automatically delivered] to "requesting entity 50" [selected media property entity is the entity controlling the computer system])***;***

Although Gilmour teaches the above limitations, and teaches *identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer*, e.g. as per [0038]-[0042], where Gilmour teaches a website 42, which can also be a "marketer" such as "requesting entity 50", may drop a "cookie" [tag] on a client computer 36 [e.g. first visitor device], where, per [0039], Gilmour teaches: "…As known in the art, the cookie 46 may be utilized to maintain state [identify the first visitor device] during a network access session from the client computer system 36 [first device] to website 42 so as to enable the website 42 to track "click stream" or other activities of the individual 32 with respect to the website 42. The cookie 46 may also be utilized to identify the individual 32 [i.e. *the "cookie" [tag] serves as a link to profile information associated with the visitor*] to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42…", Gilmour may not explicitly further teach identifying a second visitor device using personally identifiable information, nor that a "cookie" [tag] may also identify a second device in addition to "…be[ing] utilized to identify the individual 32" as recited below. Nonetheless, Gilmour in view of Sathish teaches the following:

> ***(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a)*** (Sathish, see at least [0002] in view of [0053]-[0054], teaching e.g.: "…In Step 106 one or more additional devices [second devices] send a session establishment request to the Interaction Manager 230. In one embodiment, each request includes a 'multimodal profile' [tag including PII about the visitor] including: a list of one or more capabilities of the device with which it is associated, the user

preferences, and a unique user ID [personally identifiable information]… Using the unique user ID [using personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multimodal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108). As above, the subsequent device(s) will use this session ID in all messages relating to the session sent to the Interaction Manager 230, etc…"); ***and (d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag[2] associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor*** (Sathish, see at least [0005]-[0007] in view of [0053]-[0060], teaching, e.g.: "…The Interaction Manager 230 determines, based on these requirements and conditions, as well as the capabilities and user preferences of each device, what part of the application will be processed by each device (i.e., which modality each device will contribute to the multimodal interaction) and distributes the application to the devices accordingly (Step 500 above)… As shown, the Interaction Manager 230 first queries the Composite Capability Profile 480 created by the Profile Manager 234 for the established session in Step 501. As stated above, the Composite Capability Profile 480 is a compilation of the capabilities and user preferences of each of the devices participating in the session. As each device joined the session, the Profile Manager 234 added the capabilities and

[2] Regarding "tag", As noted supra: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…".* According to spec [6:10-11], *"…the tag could be whatever the software wants it to be, including a cookie of any domain."*

> preferences of that device to the Composite Capability Profile 480… if the devices are capable of supporting (and willing to support) the multimodal application the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup language of the application accordingly… the multimodal application has been written so as to be comprised of different portions that are specifically catered to each modality, such that these different portions may be divided into one more modality markups, wherein each modality markup is associated with a different modality (e.g., speech, handwriting, or keystrokes) and further with a respective device. The determination of which device will contribute which modality (and therefore receive which modality markup) is based, at least in part on, …the capabilities and user preferences of each device listed in the Composite Capability Profile 480…"; applicant's "advertisement" (which is conveyed via some mode, e.g. text graphics, audio, visual, video, etc… and corresponding markup language – "markup") reads on the portion provided to the second device based its "capabilities and user preferences of each device listed in the Composite Capability Profile 480".)

In view of these teachings, Examiner understands Gilmour's "cookie" [tag] to be analogous to Sathish's "multimodal profile" which is taught as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely applying known techniques of Sathish (directed towards using a multimodal profile to identify a second device of a user to which a specific mode of a multimodal application should be processed, e.g. per example at [0062] or, for example a video ad of a multimodal web site, by using a unique user ID, received within the multimodal profile [cookie / tag] via a session request, of this second device to determine if this unique user ID is the same as already received from a first device, e.g. based on profile 480 and user preferences and linking the profile with the profile received from a first device, via this composite profile 480, etc… and later, when this second device is "capable and willing" to receive a multimodal application markup, the proper portion is selected and delivered to the device dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of Gilmour (already directed towards identifying a

client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer and delivering targeted marketing to the device based upon stored profile information, but does not explicitly further teach identifying a second visitor device using personally identifiable information by which to target marketing) to yield predictable results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour in order to realize Gilmour, per Sathish's techniques would benefit by similarly recognizing a second device of the same user and "enable the website to personalize the presentation of information, and intelligently target marketing activities to the individual based on profile information accessible to the website 42" as provided to this second device because Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 35: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor* (Sathish, see at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…"). Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a computer or a television and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor to use a first visitor device of a computer and later use a second visitor device of a television of the visitor because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".

Claim 36: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor* (Sathish, see at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…" Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a computer or mobile telephone and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor to use a first visitor device of a computer and later use a second visitor device of a mobile of the visitor because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".)*, and wherein the profile information is derived from the visitor's activity using the computer of the visitor* (Sathish, see again at least [0035] in view of [0049], e.g.: "As shown, in one embodiment, the method begins at Step 101 when a first device sends [an activity] a session establishment request to the Interaction Manager 230 including a multimodal profile associated with the device."; the device, per at least [0035] may be a computer; also note per at least [0066] the user may be browsing a website with the first device, e.g. a PDA [computer], to fill out an online form for purchasing airline tickets [activity on the computer] and the system may send voice prompts, based on this activity, to the second device, to assist the user. Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Sathish which is applicable to a known base device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour because they are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.)

Claim 37: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown

Gilmour in view of Sathish teaches the following: *The method of claim 36 wherein the tag identifies the mobile phone* (Sathish, see again at least [0035] in view of [0054], e.g.: "…each request includes a 'multimodal profile' [tag] including: a list of one or more capabilities [identifiers] of the device [e.g. mobile phone] with which it is associated, the user preferences, and a unique user ID [personally identifiable information]…"; an identified capability/characteristic of the device/phone is an identifier of the device/phone.) Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Sathish which is applicable to a known base device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour because they are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 39: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the second visitor device is a computer and further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer* (Gilmour, see at least Fig. 9 and [0085] regarding Report on candidates responses + Payment e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous contact request. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90…")

Claim 41: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner company controlling the profile owner computer*

(Gilmour, see at least Fig. 9 and [0085]-[0089] regarding Report on candidates responses + Payment, e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous 'contact request' [advertisement]. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90… An agreement between the profile service provider 34 [profile owner] and a website 42, for example, may furthermore specify that a payment be made to the website 42 for authorizing access to its profile database. Such payment may be made …via the profile service provider 34. In this way, the profile service provider 34 may in fact act as a broker of access to the profile databases of multiple websites 42 and other external profilers 84.")

Claim 42: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement* (Gilmour, see again at least Fig. 9 and at least [0082]-[0089], as noted *supra*; applicant's advertisement reads on Gilmour's "contact request" sent to a "profile subject 90" [visitor]. In view of these teachings, the Examiner finds that there is ample motivation supplied by Gilmour for a person of ordinary skill in the art to provide, as part of the payment Gilmour teaches is made via the profile service provider 34 who is acting as a broker, a reason for the payment and because profile information which was used is a basis for enabling the transactions this would be a predictable piece of information to include as a reason for payment – i.e. Gilmour's payments are dependent in part on transactions which were "concluded between requesting entity 50 and profile subjects 90" and therefore providing information identifying the profile information causing such transaction and therefore necessitating payment would be obvious to try at least for auditing purposes because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try " and/or because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found

in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.)

Claim 43: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device* (Gilmour, see at least [0080], teaching: "…The profile service provider 34 then accumulates a collection of authorization responses 74 and communicates the query results 66 (e.g., limited identification of profile subjects 90)…").

Claim 45: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor* (Gilmour, see at least [0039] teaching: "…As is known in the art, the cookie 46 [tag] may be utilized to maintain state during a network access session… The cookie 46 [tag] may also be utilized to 'identify the individual 32' [profile information] to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42…").

Claim 46: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic delivery of a requested profile comprises: the profile owner computer being programmed to perform automatic redirection, to a URL provided by the selected entity, to place the first visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a database associated with the computer equipment of the selected entity, of the profile information* (Gilmour, see again at least Fig. 9 and [0082]-[0089], teaching: correspondence, i.e. a "contact request" [advertisement], sent by a "requesting entity 50" [selected entity], e.g. a website, to a "subject profile" [visitor] is directed through and redirected by the "Profile service provider" [profile owner computer]. Furthermore, Gilmour teaches at [0084]: "The profile subjects 90

[visitor] contacted as a result of the contact request [advertisement] may then elect to 'respond to the requesting entity 50' [*place the first visitor device in communication with computer equipment controlled by the selected entity*], either through the profile service provider 34 [profile owner] or the website 42 so as to optionally maintain their anonymity…"; Although Gilmour does not explicitly use the terminology "URL", he nonetheless teaches his "Profile service provider" [profile owner computer] "forwards" [redirects] a received "response" to "the requesting entity 50" [computer equipment of the selected entity] which implies the "profile service provider 34" [profile owner] must receive the address, e.g. URL, from the "the requesting entity 50" to which the "profile subject" [visitor] is to be forwarded/redirected in order to enable the disclosed path of the response to the "requesting entity 50" as per Fig. 9 and associated disclosure already noted *supra* and therefore the Examiner finds that it would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to have provided a URL by the requesting entity, to the profile service provider [profile owner], to which the requesting entity desires the profile service provider [profile owner], to direct the "profile subject" [visitor] because per MPEP 2143(I) (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention is obvious. The motivation may be implicit and may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Id. at 1366, 80 USPQ2d at 1649.)

Claim 47: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour teaches the following: *The method of claim 46 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer* (Gilmour, see at least Fig. 9 and [0085] regarding Report on candidates responses + Payment e.g.: "…payment to the website 42 may be made dependent upon the number of responses received by the requesting entity 50 responsive to the anonymous contact request. In yet a further embodiment, the payment made from the requesting entity 50 to the website 42 may be dependent upon a number of transactions concluded between requesting entity 50 and profile subjects 90…").

Claim 51: Gilmour/Sathish teach the limitation upon which this claim depends, including *wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the second visitor device*. Furthermore, as shown Gilmour teaches the following: *The method of claim 34 (i) wherein the electronic apparatus of the profile supplier operates in the Internet* (Gilmour, see at least Figs. 3 and 9 and [0027] e.g.: "The profiling system 10 may conveniently be viewed as comprising a client system 12 and a server system 14. The client system 12 includes clients with access to the server system 14, such as Internet browser clients 16 or e-mail clients 18, which may be resident on machines within the profiling system 10 or coupled to it through a computer network…"; applicant's term "profile supplier" reads on Gilmour's "profile owner (e.g. website 42)" which Gilmour teaches supplies profile information to "Profile Service provider" which in turn brokers this information to other websites and/or requesting entities who desire to target marketing to a "profile subject" [visitor]), *(ii) wherein the second visitor device is a television of the visitor, and (iii) wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the television of the visitor* (Examiner notes that the only aspect of this feature not already explicitly taught supra per parent claim 34, is the aspect of *the second visitor device is a television of the visitor*. However, Sathish teaches, per at least [0035], e.g.: "…User Devices 220, 222, 224 may be any number of electronic devices including, but not limited to, PDAs, mobile telephones, mobile PCs or desktop units, televisions,…") Therefore the Examiner understands that Sathish teaches user devices, any of which may be either the first or second device to send a session establishment request to a website, which may be used include a television and therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried implementing the combination of Gilmour/Sathish by allowing a visitor to use a second visitor device of a television of the visitor and hence receive the "contact request" [advertisement] via the television because per MPEP 2143(I) (E) choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success is "Obvious to try".

21. Claims 38, 40, 44, 48, 49, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilmour** in view of **Sathish** further in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz")..

Claim 38: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as already shown supra, Gilmour in view of Sathish teaches *The method of claim 36, wherein the profile owner computer is programmed to automatically select a media property entity using the profile information about the visitor derived from the visitor's activity using the computer of the visitor.* Although Gilmour/Sathish teaches the aforementioned features, they may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Gilmour in view of Horowitz teaches the following:

…, which profile information was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "…the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system… the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser…")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to realize that the profile information which Gilmour collects and provides upon request, may be the result Horowitz' technique – i.e. the result of a URL redirection from a website that is served by Gilmour's servers which store profiles [profile owner/supplier], because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 40: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least [0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser] to "profile subject" [visitor], and the responses may be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach that his "profile subject's" [visitor's] response which flows back through the "profile service provider" [profile owner] is via a URL redirect, e.g. within such "contact request" [advertisement] from the "requesting entity" [from the computer system] with the intention to redirect the device [e.g. second device] receiving such contact/advertisement back to the "profile service provider" [profile owner]. However, regarding this feature, Gilmour/Sathish in view of Horowitz teaches the following: *The method of claim 39, wherein electronically reporting comprises automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection, e.g. within a cookie [tag]) to a known base device/method of Gilmour (already teaching that a "profile subject's" [visitor's] response to a "contact request" [advertisement] may flow back through the "profile service provider" [profile owner], and who also teaches user device may have a "cookie" utilized to "identify the individual" [profile information]), to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour because Gilmour and

Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 44: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach a "cookie" [tag] may be placed on a user's computer [device] which enables a website to "identify the individual" [e.g. profile information], and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least [0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser], which may itself be a website 42 [profile supplier], to "profile subject" [visitor], and the responses may also be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach that his "profile subject's" [visitor's] response to such a "contact request" [advertisement] which flows back through the "profile service provider" [profile owner] is via a URL redirect, e.g. within such "contact request" [advertisement] from the "requesting entity" [from the computer system] with the intention to redirect the device [e.g. second device] receiving such contact request [advertisement] back to the "profile service provider" [profile owner] such that the "profile service provider" [profile owner] may receive Gilmour's disclosed "cookie" from the redirected computer [device] which may be utilized to "identify the individual" [profile information] . However, regarding this redirect feature, Gilmour/Sathish in view of Horowitz teaches the following: *The method of claim 43 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer

system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection, e.g. within a cookie) to a known base device/method of Gilmour (already teaching that a "profile subject's" [visitor's] response to a "contact request" [advertisement] may flow back through the "profile service provider" [profile owner], and who also teaches user device may have a "cookie" utilized to "identify the individual" [profile information]), to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 48: Although Gilmour/Sathish teach the limitations upon which this claim depend, and Gilmour has been shown to teach a "cookie" [tag] may be placed on a user's computer [device] which enables a website to "identify the individual" [e.g. profile information], and Gilmour has been shown to teach monitoring and reporting on "profile subjects 90" [visitors] contacted via a "contact request" [advertisement] by an entity requesting a profile for such profile subject, and Gilmour e.g. per at least [0082]-[0084] teaches that such "contact requests" [advertisements] may be required to flow through the "profile service provider" [profile owner] from requesting entity [advertiser], which may itself be a website 42 [profile supplier], to "profile subject" [visitor], and the responses may also be required to flow back through the "profile service provider" [profile owner], Gilmour may not explicitly teach the following nuances. However, Gilmour in view of Horowitz teach the following: *The method of claim 47 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement* (Horowitz, see at least [0081]-[0086] e.g.: "…a Click Server 522 can extract and log the listing ID and other information, which can be encrypted and placed in a Uniform Resource Locator (URL), can give a browser of the End User 110 a

cookie [tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). … The Conversion Server 524 then checks the request for the cookie [tag] set by the Click Server 522 [computer system], and extracts information from the request URL, which identifies [reports] the Advertiser 102, the listing, and the like, and logs such information to the Log Processor 510")

In view of these teachings, Examiner finds Horowitz' "Conversion Server 524" analogous to Gilmour's "Profile Service Provider" [profile owner]. Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Horowitz (using a URL redirection from the computer system to conversion server) to a known base device/method of Gilmour, (who already teaches use of cookies as well as a "profile service provider 34" [profile owner] which may operate as a broker to facilitate a transaction between a "requesting entity" [entity controlling computer system] and a "website" [profile supplier] and be compensated for this service) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to recognize the utility in redirecting Gilmour's "profile subject" [visitor] back to Gilmour's "profile service provider 34" [profile owner] with the information which Horowitz teaches may be provided via a cookie in Gilmour's cookie so that Gilmour's "profile service provider 34" [profile owner] may be compensated for the services provided and because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 49: Gilmour/Sathish teach the limitation upon which this claim depends. Furthermore, as shown Gilmour in view of Sathish teaches the following: *The method of claim 48 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device* (Sathish, see again at least [0035] in view of [0049], e.g.: "As shown, in one embodiment, the method begins at Step 101 when a first device sends [an activity] a session establishment request to the Interaction Manager 230 including a multimodal profile associated with the device."; the device, per at least [0035] may be a computer; also

note per at least [0066] the user may be browsing a website with the first device, e.g. a PDA [computer], to fill out an online form for purchasing airline tickets [activity on the computer] and the system may send voice prompts, based on this activity, to the second device, to assist the user.)

Claim 50: Although Gilmour/Sathish teaches the limitations upon which this claim depends, they may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Gilmour in view of Horowitz teaches the following:

The method of claim 49 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "…the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system… the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser…")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Gilmour to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Horowitz to the device/method of Gilmour to realize that the profile information which Gilmour collects and provides upon request, may be the result Horowitz' technique – i.e. the result of a URL redirection from a website that is served by Gilmour's servers which store profiles [profile owner/supplier], because Gilmour and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.)

Response to Arguments

22. Applicant amended claim 34 on 04/26/2023. Applicant's arguments (hereinafter "Remarks") also filed 04/26/2023, have been fully considered but are respectfully not convincing as outlined below.

23. Pertaining to Applicant's arguments (Remarks. Pg. 7) that the claims are allowable as they are a narrower version of already allowed claims of a grandparent application (i.e. 15/893,354), the Examiner notes that the Applicant's arguments do not address the newly discovered prior art which has been found to be applicable to the present claims, and by Applicant's arguments those of the grandparent. As Applicant's argument in this regard doesn't address any of the grounds of rejection presented in this Office Action, the argument is not convincing that the present claims are allowable.

24. Regarding the 35 USC 112 rejection, the Examiner has respectfully withdrawn the rejection in view of applicant's amendment to part (c), and in view of Provisional Specification 60/805,114, pg. 16 first paragraph; The amendment now reciting: *"(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a);"* Although the Specification does not expound upon how PII is intended to be used to identify a user device, the Examiner acknowledges that if a device is registered to a user in the user's name (a type of PII), then PII such as a user's name could be checked against such device registration information for a match.

25. Regarding Applicant's note (Remarks, pg. 15) concerning "Media Property", the Applicant asserts the Examiner does not acknowledge the Board's reversal of a previous interpretation of the terms "media property entity" and "media property equipment". Respectfully, that is false. The Examiner notes the Board decision alluded to by the Applicant previously found a distinction between "media property equipment" per the context in which it was used in relationship to "media property entity" in a different set of claims than is presently recited. Furthermore, the Examiner has merely noted the Applicant's own language used per his own Specification regarding what may be encompassed by the term "media property".

26. Regarding the 35 USC 103 rejection (Remarks, pg. 17) Applicant asserts *"A. Gilmour does not disclose a profile owner computer selecting a media property entity from among plural entities"*. Applicant argues

that Gilmour's process merely responds to a request but this is not the same as selecting a media property entity.

Respectfully, this argument is not convincing. The Applicant mischaracterizes the teachings of Gilmour. Instead, Gilmour, see again at least Figs. 3, 8, 9 and at least [0039]-[0042] regarding: "the profile service provider 34 [profile owner] receives profile information, …, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier]…" and these profiles are "selectively publish[ed] to third parties"; i.e. a third party requesting such a profile is not selected unless the profile info of the visitor authorizes the third party to receive such info as noted further by Gilmour per [0058]-[0061] in view of [0088]-[0093], where he teaches "…Profile service provider" [profile owner computer] sends a "query result 66" to an entity out of a plurality of entities requesting profile information [i.e. a media property entity has been selected, to whom a query result is to be sent, based on matching criteria]. The "query result 66" is sent to a selected entity 50 based on the Profile Service Provider's comparison of: (A) stored "profile portions 82, …86, 88, etc…" [profile information] received from a websites 42 [profile suppliers], about a user who had visited "website 42" [profile supplier] (e.g. as discussed at least also per [0039]), with (B) stored "queries 58" [stored requests] received from "requesting entities 50" [other media property entities, one of which is "requesting entity 50"/entity controlling computer system]; e.g.: "…shown in FIG. 9, responsive to an authorization grant from the website 42, the profile service provider 34, at block 114, performs a matching operation against each of the external profile portions 82 (e.g., proprietary profile databases) of the external profilers 84 from which the profile service provider 34 has obtained authorization. The matching operation may also be performed against the public and private portions 86 and 88 constructed by the profile subject 90… query results 66 may be communicated directly to the requesting entity 50. Otherwise the query results 66, which generated as a result of hits that occurred against other private portions or external profile portions for which a rule 70 requires authorization, are published to the requesting entity 50 upon receipt of an affirmative response from the profile subject 90…" For this reason, the applicant's assertion and argument is not convincing.

27. Regarding the 35 USC 103 rejection (Remarks, pg. 18) Applicant also asserts *"B. Gilmour does not disclose a computer system storing received profile information"* and makes a statement that Gilmour's requesting company seems to use the requested information immediately and has no apparent need to store it for later use and then argues his storing entity is different from Gilmour's. Respectfully, this argument does not actually address the grounds of rejection presented by the Office to which the Examiner refers to as noted in the rejection provided *supra*. Furthermore, Gilmour, see again at least Figs. 3, 8, 9 and at least [0039]-[0042] regarding: "the profile service provider 34 [profile owner] receives profile information, …, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier]…" For these reasons, the Applicant's assertions and arguments are not convincing and the rejection is maintained.

28. Regarding the 35 USC 103 rejection (Remarks, pgs. 18-19) pertaining to the teachings of *Sathish* (i.e. Remarks, pgs. 18-24 *arguments C, D, E, F*), respectfully the Applicant's arguments do not actually address the grounds of rejection but instead mischaracterize the grounds of rejection which are based on a combination of references (Gilmour in view of Sathish) as shown in the rejection above and hereinbelow for ease of reference:

Although Gilmour has been shown to teach the limitations upon which the following features depend, and teaches *identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer*, e.g. as per [0038]-[0042], where Gilmour teaches a website 42, which can also be a "marketer" such as "requesting entity 50", may drop a "cookie" [tag] on a client computer 36 [e.g. first visitor device], where, per [0039], Gilmour teaches: "…As known in the art, the cookie 46 may be utilized to maintain state [identify the first visitor device] during a network access session from the client computer system 36 [first device] to website 42 so as to enable the website 42 to track "click stream" or other activities of the individual 32 with respect to the website 42. The cookie 46 may also be utilized to identify the individual 32 [i.e. *the "cookie" [tag] serves as a link to profile information associated with the visitor*] to the website 42 during an access session, so as to enable the website to personalize the presentation of information and intelligently target marketing activities to the individual 32 based on profile information accessible to the website 42…", Gilmour may not explicitly

further teach identifying a second visitor device using personally identifiable information, nor that a "cookie" [tag] may also identify a second device in addition to "…be[ing] utilized to identify the individual 32" as recited below. Nonetheless, Gilmour in view of Sathish teaches the following:

> ***(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a)*** (Sathish, see at least [0002] in view of [0053]-[0054], teaching e.g.: "…In Step 106 one or more additional devices [second devices] send a session establishment request to the Interaction Manager 230. In one embodiment, each request includes a 'multimodal profile' [tag including PII about the visitor] including: a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID [personally identifiable information]… Using the unique user ID [using personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multimodal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108). As above, the subsequent device(s) will use this session ID in all messages relating to the session sent to the Interaction Manager 230, etc…"); ***and***
>
> ***(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag[3] associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic***

[3] Regarding "tag", As noted supra: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device…".* According to spec [6:10-11], *"…the tag could be whatever the software wants it to be, including a cookie of any domain."*

advertisement is dependent on the profile information associated with the visitor (Sathish, see at least [0005]-[0007] in view of [0053]-[0060], teaching, e.g.: "…The Interaction Manager 230 determines, based on these requirements and conditions, as well as the capabilities and user preferences of each device, what part of the application will be processed by each device (i.e., which modality each device will contribute to the multimodal interaction) and distributes the application to the devices accordingly (Step 500 above)… As shown, the Interaction Manager 230 first queries the Composite Capability Profile 480 created by the Profile Manager 234 for the established session in Step 501. As stated above, the Composite Capability Profile 480 is a compilation of the capabilities and user preferences of each of the devices participating in the session. As each device joined the session, the Profile Manager 234 added the capabilities and preferences of that device to the Composite Capability Profile 480… if the devices are capable of supporting (and willing to support) the multimodal application the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup language of the application accordingly… the multimodal application has been written so as to be comprised of different portions that are specifically catered to each modality, such that these different portions may be divided into one more modality markups, wherein each modality markup is associated with a different modality (e.g., speech, handwriting, or keystrokes) and further with a respective device. The determination of which device will contribute which modality (and therefore receive which modality markup) is based, at least in part on, …the capabilities and user preferences of each device listed in the Composite Capability Profile 480…"; applicant's "advertisement" (which is conveyed via some mode, e.g. text graphics, audio, visual, video, etc… and corresponding markup language – "markup") reads on the portion provided to the second device based its "capabilities and user preferences of each device listed in the Composite Capability Profile 480".)

In view of these teachings, Examiner understands Gilmour's "cookie" [tag] to be analogous to Sathish's "multimodal profile" which is taught as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely

applying known techniques of Sathish (directed towards using a multimodal profile to identify a second device of a user to which a specific mode of a multimodal application should be processed, e.g. per example at [0062] or, for example a video ad of a multimodal web site, by using a unique user ID, received within the multimodal profile [cookie / tag] via a session request, of this second device to determine if this unique user ID is the same as already received from a first device, e.g. based on profile 480 and user preferences and linking the profile with the profile received from a first device, via this composite profile 480, etc… and later, when this second device is "capable and willing" to receive a multimodal application markup, the proper portion is selected and delivered to the device dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of Gilmour (already directed towards identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer and delivering targeted marketing to the device based upon stored profile information, but does not explicitly further teach identifying a second visitor device using personally identifiable information by which to target marketing) to yield predictable results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour in order to realize Gilmour, per Sathish's techniques would benefit by similarly recognizing a second device of the same user and "enable the website to personalize the presentation of information, and intelligently target marketing activities to the individual based on profile information accessible to the website 42" as provided to this second device because Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

For these reasons the applicant's assertions and arguments are not convincing and the rejection is maintained.

29. Regarding Applicant's remarks pertaining to the double patenting rejection (Remarks, pg. 25), Examiner notes that Applicant's arguments are predicated upon his assertions regarding Sathish being non

analogous art. However, as this assertion is not found to be true, the argument is not convincing; i.e. Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices). For example, note Gilmour at [0039]-[0041] and Sathish throughout his entire disclosure, e.g. Title, Abstract, Fig. 5 and [0044]-[0045]. For these reasons the applicant's assertions and arguments are not convincing and the rejection is maintained.

30. Regarding Applicant's remarks pertaining to the 35 USC 101 rejection (Remarks, pgs. 28-32), Applicant argues there is an existence of technical solutions claimed for overcoming specification-stated challenges. Respectfully, the challenges noted in the specification are not technical in nature. Furthermore, the claims do not present a technical solution to a technical problem. The claims do however recite an abstract idea without significantly more.

As noted in the rejection provided *supra*, the claims recite specific limitations which fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG, as follows:

Per Independent claim 34:

- *"A method of causing delivery of electronic advertisements based on provided profiles comprising:*
- *select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who accessed [a website] using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, each stored request being for requested profiles or kinds of profiles,*
- *identifying a second visitor device of the visitor using personally identifiable information about the visitor,*
- *later, when the second visitor device is available to receive an advertisement, (i) using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.*

As noted *supra*, these limitations fall within at least one of the groupings of abstract ideas enumerated in the 2019 PEG. Specifically, these limitations fall within the group **Certain Methods Of Organizing Human Activity** (e.g. fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions).

That is, these steps as drafted, are not technical in nature, they do not seek to provide a technical solution to a technical problem but instead are a business decision to provide profile information upon request from an entity (e.g. a website) who has requested such information, and subsequently targeting advertising to a device [second device], which is inferred to belong to a user who has used a first device, based on undisclosed use of personally identifiable information, where the targeted advertisement is based on profile information which may be mediated or linked by a "tag" (e.g. the ubiquitous "cookie"); hence these features are directed towards targeted advertising and thus falling into Certain Methods of Organizing Human Activity. Note that there is no technical improvements purported in any of the features of the "tag", the "selection" of an entity to whom profile information is delivered, nor of storage of profile information, nor of any technical means by which to "identify" a device. Furthermore, the mere nominal recitation of a generic computer components (*e.g. with a computer system… automatically storing in a database associated with the computer system, first device, second device, profile owner computer, etc…)* does not take the claim limitations out of the enumerated grouping. Thus, the claims recite an abstract idea.

Per step 2A Prong 2, the Examiner finds that the judicial exception is not integrated into a practical application. Although there are additional elements, other than those noted *supra*, recited in the claims, none of these additional element(s) or a combination of elements as recited in the claims apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that it is more than a drafting effort designed to monopolize the exception. As drafted, the claims as a whole merely describe how to generally "apply" the aforementioned concepts using generic computer components, "link" them to a field of use (i.e. in this case targeted advertising to associated second

device based on undisclosed use of personally identifiable information and linked profile information via undisclosed use of a "tag", e.g. a cookie), or serve as insignificant extra-solution activity (e.g. storage of requested profile data). The claimed computer components are recited at a high level of generality and are merely invoked as tools to implement the idea but are not technical in nature. Simply implementing the abstract idea on or with generic computer components is not a practical application of the abstract idea.

These additional limitations are as follows: descriptions of the context of receiving profile information, e.g. "*about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device",* descriptions of various business relationships, e.g.: *"plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system", "when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a)"*

However, these elements do not present a technical solution to a technical problem; i.e. Applicant's invention is not a novel nor new technique nor technical solution for "receiving requests" nor "storing" profile information in a database nor "automatic" arrangement of delivering requested data – i.e. profile information. The additional elements do not recite a specific manner of performing any of the steps core to the already identified abstract idea. Instead, these features merely serve to generally "apply" the aforementioned concepts and "link" them to a field of use or are insignificant extra-solution activity to the already identified abstract idea and do not integrate the abstract idea into a practical application thereof.

Per Step 2B, the Examiner does not find that the claims provide an inventive concept, *i.e.*, the claims do not recite additional element(s) or a combination of elements that amount to significantly more than the judicial exception recited in the claim. As discussed with respect to Step 2A Prong Two, the additional elements in the independent claims were considered as merely serving to "link" the idea to a field of use, or "apply" the idea via generic computing components, or insignificant extra-solution activity. For the same reason these elements are not sufficient to provide an inventive concept; i.e. the same analysis applies here in 2B. Mere instructions to apply an exception using a generic computer component

and conventional data gathering cannot integrate a judicial exception into a practical application at Step 2A or provide an inventive concept in Step 2B. So, upon revaluating here in step 2B, these elements are determined to amount to no more than mere instructions to apply the exception using generic computer components (i.e. a server) and/or gather and transmit data which is well-understood, routine, conventional activity in the field; i.e. note the Symantec, TLI, and OIP Techs Court decisions cited in MPEP 2106.05(d)(II) indicate that mere receipt or transmission of data over a network is a well-understood, routine, and conventional function when it is claimed in a merely generic manner (as it is here).

Accordingly, alone and in combination, these elements do not integrate the abstract idea into a practical application, as found *supra*, nor provide an inventive concept, and thus the claims are not patent eligible.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Sittner whose telephone number is 571-270-3984. The examiner can normally be reached 7:30 AM – 5:00PM (Mon. – Thur.), and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Spar, Ilana can be reached at (571) 270-7537.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

34. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice

/Michael J Sittner/

Primary Examiner, Art Unit 3622

PTO/AIA/31 (12-22)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): 14-PP-CON6

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Signature /Louis H. Hoffman/

Typed or printed name Louis J. Hoffman

First Named Inventor	
Shkedi, Roy	
Application Number: 17/401,052	Filed: 08/12/2021
For: Providing collected profiles to media properties having specified interests	
Art Unit: 3622	Examiner: Sittner, Michael J.

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 840.00

☐ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 60%, and the resulting fee is: $ _____

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 80%, and the resulting fee is: $ _____
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

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☑ Payment made via USPTO's patent electronic filing system (Patent Center or EFS-Web).

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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I am the

☐ applicant

☑ attorney or agent of record
Registration number 38,918

☐ attorney or agent acting under 37 CFR 1.34
Registration number _____

Signature /Louis J. Hoffman/

Typed or printed name Louis J. Hoffman

Telephone Number (480) 948-3295

Date September 6, 2023

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

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Electronic Acknowledgement Receipt	
EFS ID:	48548559
Application Number:	17401052
International Application Number:	
Confirmation Number:	9730
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman
Filer Authorized By:	
Attorney Docket Number:	14-PP-CON6
Receipt Date:	06-SEP-2023
Filing Date:	12-AUG-2021
Time Stamp:	19:13:28
Application Type:	Utility under 35 USC 111(a)

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Payment Type	CARD
Payment was successfully received in RAM	$840
RAM confirmation Number	E202396J15405609
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	23-09-06-PP-CON6-NtcAppeal-PTO-AIA-31.pdf	467345 ad694721e4e52375df28a9d31612a8cc4a710a25	no	2
Warnings:					
Information:					
2	Appeal Brief Filed	23-09-06-PP-CON6-Appeal_Brief.pdf	655239 2cee383a9ce7aa3ae2ce6ab3f6cba859273410e7	no	46
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	37699 b967dd14d0e9ac7a184cc0caf8cf3ec010541cc1	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal

Application Number:	17401052
Filing Date:	12-Aug-2021
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON6

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
NOTICE OF APPEAL	1401	1	840	840
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**840**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	17/401,052	Examiner	:	Sittner, M.
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
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BRIEF ON APPEAL

Dear Sir:

Pursuant to 37 C.F.R. § 41.37, appellant submits this brief on appeal.

Real parties in interest: Appellant/assignee Datonics, LLC owns this application by assignment from AlmondNet, Inc., which in turn received an assignment from the inventors. AlmondNet, Inc. also has an interest at least on account of its license back from Datonics.

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Related appeals, interferences, and judicial proceedings: No proceedings of these sorts are pending or ongoing. There are two prior related proceedings:

1. In grandparent application Serial No. 15/893,354, this Board reversed the same examiner's rejections of related, indeed broader, claims; after intervention by the art unit SPE, the art unit allowed that application, and it issued as U.S. Patent 10,984,445. *See* decision dated Sept. 21, 2020, in Appeal No. 2020-001216 (reversing). In brief, other than minor and conforming changes discussed in that 2021 paper, (1) the limitations related to the tag, in effect, were moved to later in the claim; and (2) the pending claim *narrowed* the '445 Patent claim by adding limitations (mostly in part (c)) related to two different (first and second) visitor devices and specifying the tag as associated with the second device. *See* 12/26/2021 response in this application at pp. 8-13 (comparing pending claim 34 to issued claim 1 of the '445 Patent). The instant examiner contends that he has located new prior art, and thus contends that the prior decision is irrelevant.

2. In CBM2017-00059, the Board denied institution of a CBM proceeding that sought to invalidate related U.S. Patent 8,244,574 as not reciting patent-eligible subject matter under Section 101 (*Alice*). Appellant had asserted the '574 Patent against Yahoo! Inc. (later Oath Holdings Inc.), in district court cases 16-cv-01557-ILG-SMG (E.D.N.Y.) and 18-cv-943-CFC-SRF (D. Del.), but that litigation was settled long ago. This proceeding is discussed further *infra*.

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Status of claims: Claims 34-51 are pending. Claim 34 is the lone independent claim. Appendix A attached is the "claims appendix," reproducing a copy of each claim as amended as of the date of the final rejection. There have been no changes to the claims through the date of this appeal brief.

Statement of post-final amendments: Appellant has not sought any post-final amendments. Appellant appeals from the twice-rejected application, most recently rejected in the final office action ("FOA") dated June 22, 2023.

Priority date, related patents, and applicable law: This application is a continuation of Serial No. 16/425,259, filed May 29, 2019, now U.S. Patent 11,093,970 ("Parent"), which is a continuation of Serial No. 15/893,354, filed February 9, 2018, now U.S. Patent 10,984,445 ("Grandparent"), which is a continuation of Serial No. 14/080,999, filed November 15, 2013, now abandoned ("Abandoned Parent"), which is a continuation of Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210 ("Ancestor"), which is a continuation of Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758 ("Original"), which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006 ("Provisional"), which is incorporated herein by reference.

Each of the above-listed regular applications, i.e., the Parent, Grandparent, Abandoned Parent, Ancestor, and Original, and the related '574 Patent, which is another continuation of the Original, have the same disclosure (specification and drawings).

The Original is a copy of the Provisional with modest changes, mostly for grammatical improvement. *See, e.g.,* Appendix A to appeal brief filed 6/13/2019 in Grandparent Serial No. 15/893,354 (Appeal No. 2020-001216) (comparing a particularly significant portion of the Provisional to the Original, showing how appellant modified it to produce the corresponding text of the Original).

In view of all claims having support in the Original and the Provisional, the effective filing date is June 19, 2006, and pre-AIA law applies.

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Concise summary of claimed subject matter: Appellant provides the following description of the terms used in independent claim 34 (the sole independent claim), and exemplary support for the elements in that claim. Numbers in brackets refer to page:line(s) of the specification as originally filed or the figure:numeral of drawings as filed. The claims themselves define the invention, and this summary is not intended to supersede claim language.

(a) **Terminology**: Beginning with terminology and support in the specification and drawings for such terminology, the specification discloses two primary types of actors involved with the system, aside from the visitor: (1) "profile owners" or "PO companies"; and (2) "media property entities." Those terms—and other terms used in the claims—are discussed in the following list:

(1) "Profile owners … either own profiles or have the right to resell the profiles." 8:12-14. A profile owner may own the profile by virtue of automatically recognizing some activity of the user during the user's visit to the profile owner's own website, 3:18-21, such as a search in a search engine on the website or a click by the user in a particular location, 4:11-12, 13:3-9. A profile owner also may obtain access to the user's profile because the user accessed the website of a "profile supplier" (*see generally* 2:10-3:27), which in one embodiment may redirect the visitor to the profile owner. Fig. 1:2000; Fig. 2:11 & Pr1; 12:22-13:2. The profile owner optionally may categorize the user's action into one of a number of predefined categories. 13:16-27.

The examiner's construction in paragraph 9 of the rejection (FOA, p. 3) does not contain any language acknowledging that a "profile owner" must deal in *profile information*. A broad interpretation cannot be reasonable if ignoring that point. As the examiner agrees, a profile owner and a profile supplier may be the same entity. FOA, p. 3. Therefore, there are two cases: In the case where the profile owner relies on its own website, a profile owner may own the profile *by virtue of automatically recognizing some activity of the user during the user's visit to the profile owner's own website*, 3:18-21, 4:11-12,

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13:3-9. In the other case, a profile owner also may obtain access to the user's profile *because the user accessed the website of a "profile supplier"* (*see generally* 2:10-3:27). Fig. 1:2000; Fig. 2:11 & Pr1; 12:22-13:2. In both cases, the "profile owner" deals in profile information.

(2) A "media property entity" is an entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 17-18. Examples of "media property entities" include companies operating websites or ad network companies that have access to a website's ad space. 5:5-6. Examples of ad space listed in the specification include "a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels …, a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space." 5:5-9. The specification also says, "In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily." 5:17-18.

The construction in paragraph 11 of the rejection (FOA, p. 4) quotes the Provisional rather than the instant application, but the language is similar.

(3) "Profile information" is any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral). 3:2, 3:6 ("behavioral information, demographic information"; "user-provided information"); *see also* 6:25-30 (profile information can be stored in a tag or in a central database or both); 6:21-30 (profile information can be collected on various media properties). However, the claims at issue here refer to profile information provided from a profile owner to a media property entity being stored in a database.

The FOA does not explicitly construe "profile information," and the comments at paragraph 7 (FOA, p. 2) are circular.

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(4) "The computer system" is controlled by "the selected media property entity." Claim 34, part (b)(ii). The Board previously determined that "media property entity" and "media property equipment" are terms that are "distinct and not synonymous." Appeal 2020-00121, Decision 9/21/2020. "Media property equipment" is any equipment that controls an ad space viewed by a visitor, at least temporarily. 5:1-27; CBM2017-00059, Non-Institution Decision, Paper 7, at 4 (Nov. 30, 2017). Although the instant claims do not use the term "media property equipment" explicitly, the same conclusion applies to the term used in the instant claims, i.e., "the computer system."

(5) A "tag" is any unique identifier (e.g., a cookie) used to mark a person electronically visiting a media property (such as a web site, TV channel, or the like) using any device. 4:19-23 (a tag can identify either a person or a person's device; a tag may be placed on a user device or in a central database); 6:11-17 (a tag may represent or be connected to the profile); 6:25, 28. However, the claims at issue here refer to tags associated with a user device.

The examiner's most recent construction (FOA, pp. 2-3, ¶ 8) quotes a statement from the Provisional that "the tag could be whatever the software wants it to be," but later the examiner seemingly agrees that a "tag" must be any "unique identifier either of the device or of the user" (e.g., a cookie). Someone setting up a system implementing the claimed method can establish the tag's *format* as desired, of course.

(6) "Personal identifiable information" or "personally identifiable information" ("PII") is information that can be used to uniquely identify a visitor as a person, including for example the username and password used to access a media property, a user's name and address, a user's e-mail, or a user's social security number. 15:7-10; 6:17-20.

(b) **Overview of the independent claim's structure and computers referenced in the claimed method**: Overall, independent method claim 34 refers to actions performed by a *selected media property entity's* computer system—i.e., the

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computer system of part (a) (*see* part (b)(ii))—in response to information received (*see* part (a)) from a specially programmed *profile owner (PO) computer*—i.e., the computer defined in part (b). The selected media property entity's computer system stores profile information associated with a visitor (*see* part (a)), identifies a device of the visitor (*see* part (c)), and causes delivery of an ad (*see* part (d)) to the visitor. That visitor is specifically a visitor whose profile information was received from a PO computer. That PO computer has *automatically selected the media property from among a plurality of media properties* based on requests for profiles or types of profiles of particular kinds received from each. (*See* part (b).)

The selected media property receives (*see* part (a)) profile information for a visitor matching the media property's previous request for a profile or type of profile (*see* part (b)(i)). The selected media property stores received profile data in a database. (*See* part (a).)

Claim 34 also specifies (*see* part (c)) "identifying a second visitor device" of the same visitor whose information was received (per part (a)). The visitor had accessed profile supplier apparatus using a first visitor device (per part (b)(i)), but part (c) recites identifying a *second* device of the visitor. The media property later causes delivery of ads connected to a visitor profile when ad space becomes available for that visitor's *second* device. (*See* part (d)(ii).) The media property computer system accesses the profile information associated with the visitor in the database by using a tag associated with the visitor's second device as a link to the correct profile information. (*See* part (d)(i).)

(c) **Exemplary support in the disclosure for each claimed element**: The sole independent claim refers to the following features, disclosed in the following *exemplary* parts of the specification. All features in the sole independent claim are believed covered in this "concise summary."

This part of the concise summary discusses the claim elements in a different sequence from the order in claim 34, for ease of discussion.

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Starting with the PO computer and its programming:

Claim 34, part (b)(i)(B) refers to a PO computer having "stored requests" for profiles or types of profiles of particular kinds received from various entities, which the specification describes as "media property entities" (see above discussion of that term). The specification discloses the PO system having a database storing a set of requests from each of a plurality of media property entities; the requests are either for specific profiles or categories of profiles of interest to each media property entity. 12:14-21. For example, one media property entity may be interested in visitors who have searched for car insurance while another is looking for visitors interested in autos. 12:17-19.

Claim 34, part (b)(i)(A) refers to the PO computer being programmed to select a media property entity from among a plurality of such entities based on comparing the above-described stored requests with profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device. *See* above discussion of "profile supplier." The specification discloses the profile owner computer system being programmed so that, as it gains access to each visitor, it identifies which media properties "have asked to receive a visitor having a profile such as the one recognized." 14:3-5.

Claim 34, part (b)(ii) refers to the PO computer automatically arranging for electronic delivery of a requested profile to the selected media property entity's computer system, i.e., the computer system performing the actions in parts (a), (c), and (d). The specification teaches that, once having selected one or more media properties, there are several ways for the PO system to deliver the profile information to the selected media property, including via use of a tag, which can also be arranged in a variety of ways. E.g., 5:28-6:30, 11:1-2, 8-10, 14:6-8, 14:14-15:24; Fig. 1:6000. The specification also explains that a tag can provide a way for the media property to access the visitor's profile. 15:11-16; 19:26-27.

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Turning to the actions performed by the media property computer system:

Claim 34, part (b)(ii) refers to the "*selected* media property entity" as "the entity controlling the computer system." The antecedent is the "computer system" in part (a), which refers to electronic receipt of indicia of the profile information from the profile owner computer. The specification refers to one example where a tag readable by the media property entity allows the selected media property to recognize the visitor profile, via redirection. 14:6-8, 16-25.

Part (a) also refers to the media property entity storing the profile information in a database associated with the media property computer system, as a result of receiving the indicia. The specification refers, for example, to the PO company sending the profile and a copy of a tag to the selected media property entity, which stores both in its central database. 15:17-22. However, other examples are also disclosed. E.g., 15:1-16.

Claim 34, part (d) refers to an action performed "later, when the visitor device is available to receive an advertisement," namely the selected media property entity's computer system (i) using a tag as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information to cause ad delivery to the *second* visitor device. The specification discusses a later time called "time t2," when the media property entity may happen to encounter the tagged visitor "within its ad space." 15:25-26. (As noted above, "its ad space" refers to space within its website or space that it controls at least temporarily.) At that time, the media property entity can deliver a targeted ad to the visitor. 15:25-28. The specification gives examples of such targeted ad delivery at 16:29-17:3 and 19:3-5. The specification also discloses the tag being used to recognize the visitor profile and being used as the link to it. 15:11-16.

Claim 34, part (d) also refers to the ad being dependent on the profile information accessed in the central database. The specification describes the ad as being "profile-based." 15:27-30.

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Claim 34, part (c) refers to a specific case using "personally identifiable information" to identify a *second* device of the same visitor, which allows the selected media property entity's "computer system" to cause delivery of an advertisement" (in part (d)) to a *different* visitor device, called the second visitor device. The second visitor device is different from the "first visitor device" that (per part (b)(i)) "electronically accessed electronic apparatus of a profile supplier." The delivered advertisement is dependent on profile information originating from the first visitor device, such profile information being accessed using a tag associated with the second visitor device. The specification recites at 16:10-18:

> "As there may be no connection between the device used by the visitor to access the first media property (computer, for example) and the device used by the visitor to access the second (identified) media property (TV, for example) besides the commonality of the user (visitor), personally identifiable information about the visitor could be used to allow the second media property to learn which device the visitor uses to access the second media property and tag the visitor. The second media property could tag the device used by the visitor to access the second media property by placing a tag on the device itself or in a central database of the second media property, for example."

(d) **Summary of claimed method**: In sum, the selected media property entity's "computer system" receives (*see* part (a)) from the specially programmed profile-owner computer (*see* part (b)) certain profile information about a visitor who electronically accessed a profile supplier with a *first* device, when that profile information matches the selected media property entity's previous request for a profile or type of profile (*see* part (b)(i)). The received profile information is stored in a central database. (*See* part (a).) The computer system then uses PII to identify a *second* device of the same visitor. (*See* part (c).)

The claimed method thus allows the media property entity's computer system to later cause delivery of ads connected to a visitor's profile when ad space become available for the visitor's *second* device. (*See* part (d).) Accordingly, the claimed

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approach allows for cross-device targeted advertising. In other words, when a visitor appears ready to receive an advertisement on a *second* device, a media property can cause delivery of a personalized ad targeted to that visitor, even when a profile owner had identified a match between the visitor's profile information and profile characteristics desired by the media property based on the visitor's use of a *first* device.

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Claim grouping: Claims 34-51 are pending. All claims are argued together for purposes of simplifying this appeal. Independent claim 34 is representative.

Summary of rejections:

(1) Claims 34-37, 39, 41-43, 45-47, and 51 stand rejected under 35 U.S.C. § 103 (pre-AIA) as being unpatentable over U.S. Pat. Pub. 2004/0068477A1 ("Gilmour") in view of U.S. Pat. Pub. 2007/0005990A1 ("Sathish"). *See* FOA, pp. 14-28.

Dependent claims 38, 40, 44, 48-50 stand rejected under 35 U.S.C. § 103 (pre-AIA) as being unpatentable over Gilmour in view of Sathish further in view of US Pat. Pub. 2005/0097204A1 ("Horowitz"). *See* FOA, pp. 28-34. Because dependent claims are not separately argued, and because the examiner uses Horowitz only for elements of those dependent claims, appellant does not discuss Horowitz in this appeal brief.

(2) All pending claims stand rejected for nonstatutory obviousness-type double patenting over claim 1 of the Grandparent (the application allowed after the previous Board reversal of the examiner), i.e., U.S. Patent 10,984,445, in view of Sathish. *See* FOA, pp. 4-9.

This rejection depends on one of the same references used in the obviousness combination, i.e., Sathish. *See* FOA, pp. 7-9. Therefore, in this appeal brief, appellant discusses this rejection after discussing the obviousness rejection.

(3) All pending claims stand rejected as claiming non-patentable subject matter, 35 U.S.C. § 101, allegedly "because the claimed invention is directed to an abstract idea (i.e. a judicial exception) without significantly more," i.e., under an *Alice* theory. *See* FOA, pp. 9-14.

This rejection depends on alleged lack of "integrat[ion of] the identified abstract idea into a practical application," on alleged lack of "provid[ing] an inventive concept," and as allegedly being "not technical in nature," "not present[ing[a technical solution to a technical problem," "not a novel nor new technique," and addressing "well-understood, routine, and conventional activity in the field." *See* FOA, pp. 11-12. Those

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issues substantially overlap with issues discussed in the obviousness rejection. Therefore, in this appeal brief, appellant also discusses this rejection after discussing the obviousness rejection.

Previous rejections based on 35 U.S.C. § 112 have been overcome or withdrawn. *See* FOA, p. 35 (para. 24).

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Argument

I. The obviousness rejection based on Gilmour in view of Sathish is erroneous.

The Gilmour/Sathish obviousness rejection suffers from several problems, including (1) examiner over-reading of Gilmour, (2) examiner misinterpretation of Sathish, (3) a combination using a reference (Sathish) from a dissimilar field, and (4) the absence of logical rationale to combine. Appellant discusses those issues in turn in the sub-parts below. Any of the points should be separately sufficient to cause reversal of the obviousness rejection. When stacked up together, it is even more apparent that the obviousness rejection cannot remain.

A. Primary reference Gilmour does not disclose a profile owner computer selecting a media property entity from among plural entities.

Gilmour (the primary reference) has only limited similarities to claim 34. Indeed, in the Parent, the examiner conceded that Gilmour does "*not teach all* of the features" for which the examiner now applies Gilmour. *See* para. 7 of 4/13/2021 Notice of Allowance in SN 16/425,259 (Parent) (citing Gilmour as one of a handful of references that "have been found to be the closest applicable prior art to applicant's invention," but concluding, Gilmour does "not teach … all of the features as claimed.").

The instant obviousness rejection adds secondary reference Sathish only for the narrowing limitations added to the instant claims referring to two different visitor devices, especially recited in part (c) of now-pending claim 34, which limitations were *not present* in the Parent application, so the examiner's concession in the Parent application has significance.

The FOA clarifies the examiner's present view of Gilmour on page 36, where the examiner seeks to make the following correspondences between Gilmour and claim 34:

Element in Gilmour	Claim 34 element asserted met thereby
Profile service provider 34/server 22	Profile owner/profile owner computer
Websites 42	Profile suppliers
Requesting entities 50	Media property entities

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Element in Gilmour	Claim 34 element asserted met thereby
Specific entity 50 that is the recipient of query result 66	Selected media property entity
Queries 58	Stored requests
Block 114 performing matching operation against proprietary profile databases 82 of external profilers 84 or against public and private portions 86, 88 constructed by profile subject 90	Comparison of profile information with requests
Profile portions 82, 86, 88, etc.	Profile information

The rejection thus tries to analogize Gilmour's profile service provider 34, and that entity's server 22, to the "profile owner computer" of part (b) of claim 34. However, Gilmour's profile service provider 34 is a kind of profile consolidator, which is a business that accepts partial profiles from various sources about an individual person (see, e.g., Gilmour, ¶¶ 33-44), then merely responds to a request from a current entity, called the "requesting entity" (which the rejection analogizes to one of "the media property entities"), whichever entity is making the request. Gilmour's disclosure focuses heavily on entity 34 maintaining restrictions on the information ("notification and authorization rules") based on profile owner restrictions and also based on restrictions from the individual person. *See* Gilmour's Abstract and Background section, ¶¶ [0004-09], and ¶ [0026].

Gilmour's profile service provider 34 is set up to accept a request from one of its clients (*see* "client system 12," ¶ [0027]), i.e., a company that wants access to certain profile information. Service provider 34 responds to a request with profile information designated as available. If certain information is not available, Gilmour discusses asking the profile owner for added permission. Fees can be paid in exchange for the data.

A good summary of Gilmour's arrangement is found in Gilmour at ¶ [0046]:

> "[P]rofile service provider 34 … operates to facilitate access by a requesting entity across potentially a number of profiles (or a composite profile including a number of portions) maintained by a number of profile owners. Further, the profile service provider 34 operates to control such access in a manner specified by a profile

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> owner. Finally, the profile service provider 34 may operate to facilitate a transaction between a requesting entity and a profile owner, whereby the profile owner is compensated (e.g., by means of a monetary payment) for the access limited to a profile by the profile owner."

According to Gilmour at ¶ [0050], "A requesting entity 50 may issue a query (e.g., in the form of an XML document) to the matching engine 54, which applies matching rules 57 to identify matched profiles based on criteria specified within the query." Matching engine 54 is part of profile server 22, located at profile service provider 34. *See* Gilmour Fig. 3. The query results are communicated "to a notification engine 68, which references a set of notification and authorization rules 70 to determine appropriate processing of the result 66." Gilmour ¶ [0058]. After any requests to "the profile subject (or profile owner)" for waiver of the publication authorization rules, Gilmour explains, "The profile service provider 34 then … communicates the query results 66 (e.g., limited identification of profile subjects 90 against which hits occurred) *to the requesting entity 50*." Gilmour ¶ [0080 (emphasis added)].

The examiner alleges that appellant's description of Gilmour previously provided, which is similar to the above summary, "mischaracterizes the teachings of Gilmour." FOA, p. 36. However, the examiner does not identify what exactly the examiner considers as "mischaracterize[d]."

Even using the FOA's approach of considering Gilmour's "requesting entity 50" as somehow one of several "media property entities," the computer in Gilmour is not programmed to *automatically select* an "entity" from a plurality of different media properties. Rather, each time Gilmour receives a request from a particular "requesting entity 50," the server 22 responds to *that specific* requesting entity. No "selection" occurs, of the sort claimed in part (b) of pending claim 34.

The examiner focuses on the profiles being "selectively publish[ed] to third parties," based on the authorization rules, which the examiner asserts means that "such a profile is not selected unless the profile info of the visitor authorizes the third party to

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receive such info." FOA, p. 36. The examiner also alleges that Gilmour "teaches [that the] 'profile service provider' [which is allegedly the] profile owner computer[,] sends 'a query result 66' to an entity out of a plurality of entities requesting profile information[,] i.e. a media property entity has been selected, to whom a query result is to be sent, based on matching criteria." FOA, p. 36.

However, those examiner remarks confuse the selection *of profile information* for inclusion into the query result, with the claimed subject of selecting *a media property*, i.e., selection of the *entity* "to whom the query result is to be sent." Gilmour teaches the former but not the latter, as Gilmour selects profile information for a given entity but does not select an entity. The FOA contains hand waving to avoid facing up squarely to the distinction, saying that the current, requesting entity "has been selected." The use of the passive voice conceals the problem: Because the requesting entity "has been" known already, no selection need take place in Gilmour.

To the extent the examiner's remarks might suggest that responding to the same requesting entity might somehow be considered to constitute a "selection," such a suggestion cannot defend the rejection. Claim 34 recites more than just the word "selecting." Part (b)(i) of claim 34 specifies that the PO computer must be "programmed to automatically select a media property entity of a plurality of media property entities *based on a comparison of (A) profile information* about a visitor …, with (B) *a plurality of stored requests* from the plurality of media property entities …." By contrast, Gilmour's "profile service provider 34" does not perform any sort of *comparison* to choose the "requesting entity."

In sum, Gilmour's system merely responds to the same entity that makes a request. There is *no selection of an entity* in Gilmour, much less selection based on the claimed *comparison*. Because the obviousness rejection relies on Gilmour alone (and not the other reference or the combination) for part (b)(i), the absence of disclosure in Gilmour is fatal to the rejection, and the Board should reverse for that reason alone.

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B. <u>Sathish does not disclose a tag used as a link to profile information in a database and does not disclose advertising (or causing ad-delivery), and there is no valid stated premise for combining Sathish with Gilmour.</u>

The examiner tries to address parts (c) and (d) of claim 34, especially the limitations related to two associated devices, by combining with Gilmour a second reference, Sathish, but the attempt fails. Specifically, the examiner concedes that "Gilmour may not explicitly … teach identifying a second visitor device using personally identifiable information, nor that a 'cookie' [tag] may also identify a second device in addition to 'being utilized to identify the individual 32' as recited [in Gilmour]." *See* FOA, pp. 19, 37-38.

Appellant described Sathish previously as follows, and the examiner did not deny or rebut the accuracy of that description:

> "Sathish discloses a 'multimodal' computer access system, which allows input to a computer (including a website) based on multiple devices. For example, a user might have a keyboard to enter information, as well as a speech-recognition device hanging around the user's neck. Satish's goal is to allow the computer to accept input from either device in the same session. Of course, there is some kind of user-specific code to ensure that the computer accepts input from only a given user, rather than someone else using similar devices. That code, the [examiner] argues, meets the definition of a 'tag.'"

Sathish mentions a "multimodal profile," which is a list of devices, the user ID, and various user preferences. The examiner argues that Gilmour's profile cookie 46 (tag) is "analogous" to Sathish's "multimodal profiles," and for that reason the rejection suggests combining the two references. *See* FOA, pp. 21, 37-38.

In the FOA, the examiner responded to various separate arguments presented by appellant in a consolidated way, simply by arguing that appellant "mischaracterizes the grounds of rejection" and then *repeating the rejection essentially verbatim*. *Compare* FOA,

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pp. 19 *with* FOA, pp. 37-40 (all in ¶ 28, responding to four separate arguments). Thus, the examiner has provided no individualized response to the specific problems with the combination identified by appellant separately. Problems with the combination include:

1. Pending claim 34 recites, in part (d)(i), the limitation of "using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database," i.e., the database of the selected media property's computer system (*see* claim 34, part (a) and above discussion).

The examiner admits that Gilmour does not disclose any tag to a second visitor device, hence the rejection must rely on Sathish's supposed tag. However, Sathish does not contain any disclosure of Sathish's device code (if considered as a tag at all) satisfying the limitation of being used "as a link to access the profile information." The FOA contains no further explanation. Even considering the combination of Gilmour and Sathish, the examiner refers to *Gilmour's* tag (which refers to a *first* device) and alleges that Gilmour discloses a cookie 46 that identifies the individual 32 to the requesting entity 50. *See* FOA p. 19. But Gilmour does not discuss cookie 46 linking to any database storing profile information.

2. Sathish has nothing to do with delivery of electronic advertisements, which limitations are found in part (d) of claim 34. The examiner argues that "applicant's 'advertisement' … reads on [Sathish's] portion provided to the second device based [on] its 'capabilities and user preferences of each device listed in the Composite Capability Profile 480." *See* FOA, p. 21. But Sathish's disclosure of "Composite Capability Profile 480" has literally nothing to do with any "advertisement," much less delivering advertisements at a later time. The examiner does not provide a construction of "advertisement," and the examiner does not show that the ordinary meaning of "advertisement" could include "a compilation of the capabilities and user preferences of each of the devices participating in the session," which is how the examiner describes Sathish's "Composite Capability Profile 480." *See*

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FOA, pp. 20-21. The examiner's argument that the claim term "advertisement" somehow "reads on" what Sathish discloses, i.e., a composite profile of capabilities and preferences related to various devices (e.g., keyboards, speech-recognizers), which a user might use to access a computer, is unexplained and entirely without merit.

3. An ordinarily skilled artisan at the time of the invention would not have thought to combine Sathish with Gilmour for the reason proffered by the FOA, because Sathish's "multimodal profile" *has an entirely different purpose* from Gilmour's profile information. The purpose of Sathish's "multimodal profile" is to identify different input devices and user preferences associated with those devices, whereas the purpose of Gilmour's profiles is to disseminate information about a user of the devices. There is no logical reason to assume that an ordinarily skilled artisan at the time of the invention would have used Satish's "multimodal profile" in connection with causing delivery of advertisements using Gilmour's profile information, and the examiner has not identified any valid reason.

The examiner argues that the two references are "analogous art" to each other (*see* FOA p. 22), but, aside from the fact that they are not (*see* subpart C below), that argument does not provide a justification to combine those references.

Also, the examiner's argument for combining the two references relies on UPC codes, but none of the UPC codes overlap between the two references: Gilmour cites only UPC code G06F 7/00 on its face, which is not listed on the face of Sathish.

In sum, the combination of Gilmour with Sathish does not disclose using a tag associated with a second device as a link to access profile information and does not disclose delivering electronic advertisements to a second device at a later time. Also, the FOA does not explain any valid reason for combining the two references despite their different purposes.

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C. Sathish is non-analogous art to the claimed invention.

Appellant explained, as a separate point, that Sathish is non-analogous art to the claimed invention, but the FOA does not respond squarely to that issue. *See* MPEP 2141.01(a), *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004) ("in order for a reference to be proper for use in an obviousness rejection under 35 U.S.C. 103, the reference must be analogous art to the claimed invention…. [A] reference is analogous art *to the claimed invention* if: (1) the reference is from the same field of endeavor as the claimed invention (even if it addresses a different problem); or (2) the reference is reasonably pertinent to the problem faced by the inventor (even if it is not in the same field of endeavor as the claimed invention).") (emphasis added). Neither of those alternatives apply. *E.g.*, *Circuit Check Inc. v. QXQ Inc.*, 795 F.3d 1331 (Fed. Cir. 2015) (more recent example of reversing judgment of invalidity for obviousness based on finding of non-analogous art).

As to the first option, per the preamble of claim 34, the field of endeavor of the invention claimed by claim 34 is "causing delivery of electronic advertisements based on provided profiles." Per the "Field of the Invention" section of the instant specification (at 1:8-10), "The present invention generally relates to profile-based behavioral targeting advertisement placement services."

Sathish is not from the same field of endeavor as claim 34, using either formulation. Sathish's title is "multidevice session establishment for multimodal browsing," and Sathish's "Field of the Invention" says, "This invention relates to multimodal applications, and more particularly to a method of enabling multiple devices to participate in a single session for processing a multimodal application." Sathish, ¶[0001].

Sathish's stated fields address distinctly *different* "fields of endeavor" from claim 34. Sathish has nothing to do with behavioral targeting, with advertising, with placement services, or with profile information used in advertising. Conversely, the

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instant invention defined by claim 34 has nothing to do with "multimodal applications," "multimodal browsing," or "multidevice sessions."

As to the second option for finding analogous art, Sathish is not "reasonably pertinent to the problem faced by the inventor." The instant specification identifies (at 8:21-10:17) a number of "possible challenges," i.e., problems faced by the inventor. That section concludes with a summary that problems include developing a "more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement," to address the various more specific "challenges" recited on those pages. Sathish is not at all "pertinent" to any of those issues. Sathish does not even contain the words "advertise" or "advertisement" or "behavior" or "target" (or any variants).

Because Sathish meets *neither* of the two alternative tests, Sathish is non-analogous art to claim 34, and Sathish cannot be used in a combination with the primary reference to support a finding of obviousness. Sathish would not have "commended itself to an inventor's attention in considering his problem," and there is no reason "why an inventor seeking to solve the identified problem would have looked to [Sathish] in an attempt to find a solution to [any] problem." *See* MPEP 2141.01(a)(I).

Rather, the rejection uses Sathish in an effort to "piece together" the invention by addressing an element admittedly missing from the primary reference and apparently not found in any reference in the field. *See* Ashley A. Bolt, *Combating Hindsight Reconstruction in Patent Prosecution*, 64 Emory L.J. 1137, 1166-67 (2015) ("citation to non-analogous art may occur because an examiner has performed a keyword search of the prior art and found a phrase within the reference that seems similar enough to the claimed invention .... It follows that impermissible hindsight is the primary vehicle utilized to conclude that it would have been obvious to a PHOSITA to include the limitation presented by the non-analogous reference in the claimed invention based on the similarity of terminology.") (available at

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https://scholarlycommons.law.emory.edu/elj/vol64/iss4/4?utm_source=scholarlycommons.law.emory.edu%2Felj%2Fvol64%2Fiss4%2F4&utm_medium=PDF&utm_campaign=PDFCoverPages). *See generally Graham v. John Deere Co.*, 383 U.S. 1, 36 (1966) (warning against "slipping into use of hindsight" and "the temptation to read into the prior art the teachings of the invention in issue"); *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 421 (2017) (warning against "the distortion caused by hindsight bias" and "arguments reliant upon ex post reasoning").

The examiner does not respond in the FOA to any of the above explanations. The FOA does not refute appellant's description of what field of invention claim 34 addresses and does not refute appellant's identification of what problems the inventor faced. The FOA likewise does not refute appellant's identification of what field of invention Sathish addresses.

Instead, the examiner merely argues that "Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices)." *See* FOA, p. 22. Those examiner comments do not address the problem explained by appellant and thus do not salvage the rejection. First, whether the two combined references are "analogous art" *to each other* is not relevant; the question for analogous art is whether Sathish is analogous art *to the claimed invention*. Second, the examiner's inaccurately relies on UPC classifications and does not establish any analogy, even between the two references, as shown by the following facts:

1. As to the examiner's reference to G06Q 30/02, neither Sathish nor Gilmour list that UPC subclass on their faces (indeed Sathish lists 10 *other* UPC subclasses). The subclass referenced by the examiner is titled "Marketing; Price estimation or determination; Fundraising" within the field of "commerce." Sathish, at least, has

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nothing to do with marketing, pricing, or fundraising.[1] Therefore, this UPC reference does not establish in any way that Sathish and Gilmour are analogous to one another.

2. As to the examiner's reference to H04L 67/14, neither Sathish nor Gilmour list that UPC subclass on their faces. That subclass is titled "Session management," within H04L 67/00, which refers to "Network arrangements or protocols for supporting network services or applications." The examiner's statement that "both Gilmour and Sathish are also concerned with establishing sessions for devices" is unfounded—nothing in Gilmour at least has anything to do with "session management" as a subset of "Network arrangements or protocols for supporting network services or applications." Therefore, the examiner's reference to this UPC subclass also does not establish in any way that Sathish and Gilmour are analogous to one another.

Because Sathish is not analogous art to the claims (and even disparate from Gilmour), it cannot be used in a combination, and the rejection should be reversed.

D. <u>Conclusion as to prior art: The elements missing from the prior art allow the claimed invention to achieve significant advantages</u>.

In sum, the specifically claimed arrangement differs from the cited prior art references (even if they are combined, which should not be done).

The combined references would not have selected a media property for a given visitor device based on stored requests from different media properties. Nor does either reference teach making such a selection based on stored requests from each media property.

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[1] Also, this UPC subclass could include miscellaneous references of various disparate sorts (*see* "not otherwise provided for" below), so presence of references within it does not prove such references are analogous to each other. This UPC subclass fits within the general classification for G06Q, which includes a wide array of "information and communication technology [ICT] specially adapted for administrative, commercial, financial, managerial or supervisory purposes; systems or methods specially adapted for administrative, commercial, financial, managerial or supervisory purposes, not otherwise provided for."

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The combined references would not have had the selected media property store profile data for later use when a second visitor device happens to become available to serve an advertisement.

In particular, neither Gilmour nor Sathish teach a "profile owner computer" programmed—as specified in claim 34, part (b)—to select a media property out of a plurality of media properties based on a comparison using stored media property requests and to arrange for electronic delivery of a requested profile to the selected media property's computer system, as a result of which (per claim 34, part (a)) profile information is stored in a database associated with the selected media property's computer system.

Because *neither* reference discloses the claimed selection based on comparing, at least part (b)(i) is missing from the *combination*. Nothing about the combination would add a selection act missing from both of the combined references considered individually.

As a consequence, neither Gilmour nor Sathish teach the specially and unconventionally programmed profile owner computer of part (b) of claim 34. And it follows that the hypothesized combination cannot meet claim 34, part (a) either, because part (a) requires receipt of data "from a profile owner computer," which is defined in part (b).

Furthermore, claim 34 part (d) requires that the computer system of the selected media property (i) use the tag to access linked profile information and (ii) use that profile information to cause delivery of an advertisement, and part (d) of claim 34 also specifies that such action occurs "later," i.e., after the profile information associated with a visitor is stored as mentioned in claim 34, part (a). The rejection refers to the requesting company in Gilmour, which does not cause delivery of any advertisement "later" as claimed. And Sathish does not disclose any "advertisement" at all. Thus, the combination lacks the limitations of part (d) as well.

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In any event, the rejection has no valid motivation to combine the references, and Sathish is non-analogous art to the instant claimed invention.

For any or all those reasons, the obviousness rejection should be reversed.

The above differences are not mere nuances or details. Rather, the claimed invention has significant advantages by virtue of a technological arrangement wherein a selected media property entity, which has expressed interest in a profile or type of profile, can receive profile data, specifically from the specially programmed profile-owner computer, which obtained the profile data by virtue of a visitor who electronically accessed equipment of a profile supplier through a first device, with the *hope* that the selected media property's computer system will encounter a *different* device of the same visitor *later* and then have the opportunity to cause delivery of a targeted ad based on the *previously* received profile information. If so, when the second visitor device becomes available to receive an advertisement, the media property, later, can use a tag to access first-device-sourced profile data from a database and use it to cause delivery of a targeted ad to the second visitor's device.

II. <u>The double-patenting rejection is defective for parallel reasons</u>.

The double-patenting rejection depends on combining Grandparent U.S. Patent 10,984,445 with Sathish. Because Sathish is not analogous art to the claimed invention, for the reasons shown in Part I.C above, the Board must reverse this rejection as well.

III. <u>The Section 101 (*Alice*-type) rejection is erroneous</u>.

The claimed invention provides a technical solution that assists in overcoming (or at least improving on) certain identified problems, and—setting aside the question of whether claim 34 contains recitation that can be characterized as an abstract idea at all—claim 34 includes additional limitations that would integrate any possible abstract idea (or ideas) into a practical application, i.e., the practical application of improvements to electronic advertising, and also constitute "significantly more" than just an abstract idea of electronic advertising.

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A. The claims are patent-eligible at least under *Alice* Step 2A, prong 2.

The currently claimed invention provides a technical solution that assists in overcoming certain difficulties explained in the specification or at least improving the situation. The original specification, as explained below, draws a contrast between the now-claimed method and previously known methods. More specifically, the specification itself identifies at least one problem that the claimed solution overcomes and sets forth a technical explanation of an improvement over known systems that would be apparent to an ordinarily skilled artisan. *See* MPEP 2016.04(d)(1).

As explained in applicant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, addressed by the current invention, including the problem of websites monetizing general-content ad space when receiving categories of profiles that they could not use.

Previous techniques would require either broad-based advertising or specific negotiations between an ad-displaying website and a number of different referring websites, which would necessitate exchange of technical information to make any tagging possible and also would require constant updating as a website instituted new ad campaigns or finished running a campaign. Such a cumbersome contracting and technical-updating process prevented referring websites from being positioned to cause tags to be added timely.

Worse, the prior art did not seem to allow such media property entities to deliver specifically to the "right-sized" audience. On the one hand, as the specification explains, conventional advertising approaches relying on generalized advertisements would typically fail to target a *subset* of users that a given media property wished to target, and as a result the media property would likely end up delivering the ad to "unwanted" visitors as a result of broader audience than desired being tagged. On the other hand, a one-to-one contracting approach could cause a media property entity to contract with a source websites with no profiles, no "matching" profiles, or an insufficiently large

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number of "matching" visitors to those websites who end up at the media property's controlled webpages. Also, such a contracting approach would not provide sufficient incentive for profile suppliers to go to the trouble of negotiating contracts and tagging, when only small portions of their visitors will end up visiting a given media property, thus producing only small revenue.

Accordingly, obtaining a useful targeted audience was difficult *technically* to achieve, balancing the need for enough visitor volume (matching a desired target audience) against the desire to avoid excess visitors (those not matching desired targets). Known prior art techniques did not provide a way, technically and practically, for a media property entity to obtain a desired audience of both a sufficient size and a targeted type.

Another problem is that previous systems could not easily use profile information from one device to deliver ads to another device of the same user, in the context of the claimed methods of a media property delivering ads "later" to visitors previously identified as having matched a specific request.

The unconventional technique described by the pending claims assists in solving those problems. The technique of claim 34 allows media property entities to specify a desired audience to a "profile owner" that has access to users on account of their visit using a first visitor device to a "profile supplier," and the media property entity can cooperate with the "profile owner" to identify a subset making up their desired audience by arranging for delivery of a requested profile. The technique of claim 34 also contemplates the media property using personally identifiable information to identify a second visitor device of the same visitor, so that a tag associated with that second device can link to profile information from the first device. Such unconventional and technological techniques (i) allow media property entities access to a desired audience, without an excess of too broadly targeted visitors, (ii) avoid the need for custom negotiations with and technical assistance to multiple profile suppliers, (iii) allow ad

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campaigns to start timely, and (iv) permit scalability. Such unconventional and technological techniques also allow targeting an ad to a second device based on profile information derived from the visitor's use of a first device.

The examiner argues that "the challenges noted in the specification are not technical in nature." FOA, p. 41. However, that statement is incorrect. It is a *technical* problem to devise methods of providing a sufficiently large desired target audience, isolating them from the large mass of profiled users, without entering into a plethora of one-on-one contracts, and to know which one of a plurality of media properties should get certain profile information. The technical solution claimed therefore allows a media property to manage an advertising campaign targeted at a desired audience with enough scale and in a timely manner. It is a *technical* problem, also, to determine how to use profile information from one device to deliver ads to another device of the same user.

The examiner also focuses on the conventionality of "tags," "storage" (of profile information), and device identification, as well as "the mere nominal recitation of a generic computer components." FOA, p. 42. However, the use of conventional equipment or the presence of *some* conventional *elements* does not refute the presence of a technical solution. Merely using certain allegedly conventional features in conventional ways would not solve the technical problems identified in the specification and outlined above. And of course using conventional features in *unconventional* ways can make a claim patent-eligible.

The pending claims thus do not serve as merely a drafting effort designed to monopolize "electronic advertising" generically. The examiner denies this, arguing that the claims are nothing "more than a drafting effort designed to monopolize the exception." FOA, p. 42. But the FOA does not prove the examiner's allegation. First, the examiner does not identify with specificity an "abstract idea" contained in the claims, instead merely listing some "concepts" to which claim 34 supposedly applies and

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generally asserting that "these features are directed towards targeted advertisement and thus fall[] into 'Certain Methods of Organizing Human Activity.'" Second, the examiner does not show that claim 34 "monopolizes" all "targeted advertisement" techniques, much less all of the referenced "certain methods of organizing human activity." Clearly, one can perform "targeted advertising" in many, many ways *other than* the specific method claimed by claim 34.

The PTO has recognized that added limitations that amount to "[i]mprovements to the functioning of a computer, or [improvements] to any other technology or technical field" can make claims patent-eligible, as well as claims that have limitations directed to "[a]pplying the [abstract idea] with, or by use of, a particular machine." MPEP 2106.04(d)(I). Such claim elements are considered "indicative of integration into a practical application." The claims here meet those criteria. Claim 34 contains specific claim limitations that improve technological processes of electronic advertising. A computer programmed with the innovative technique has improved functionality in facilitating more effective electronic advertising, and thus claim 34 amounts to an improvement to the computer itself. And claim 34 improves the separate field of electronic advertising as well.

B. <u>The claims are alternatively patent-eligible under *Alice* Step 2B</u>.

Alternatively or additionally to the analysis under *Alice* Step 2A, claim 34 includes "significantly more" than the examiner-identified abstract idea and thus is patent-eligible under *Alice* Step 2B. Step 2B (step two of the *Alice* test) considers whether a claim recites any additional elements that amount to an "inventive concept" that is significantly more than the judicial exception (here, the supposedly abstract idea of "electronic advertising" or "targeted advertising"). MPEP 2106.05.

Electronic advertising is a difficult problem, and solutions have been evolving for many decades. The limitations of claim 34 represent an improvement in the functioning of computer-implemented electronic advertising.

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1. Certain claim limitations qualify as "significantly more" than any abstract idea.

Claim 34 recites limitations confirming that claim 34 addresses technical advances over known prior art. In particular the following sorts of "added" limitations exceed (and are not part of) the "abstract idea" itself:

(1) Claim 34 contains limitations referring to linking at least two visitor devices and delivering advertisements to a second device based on profile information derived from contact of a first device with a profile supplier;

(2) Claim 34 contains limitations referring to directing profile-specific advertisements to the second device when a visitor later gets to a website controlled by a media property entity (i.e., an entity controlling ad space at least temporarily); and

(3) Claim 34 contains limitations referring to a media property entity having been automatically selected out of a plurality of such entities by a profile owner computer based on comparing visitor profile information with stored media property requests.

A key consideration in Step 2B is whether a claim involves *solely* "well-understood, routine, conventional activities previously known to the industry, [and] specified at a high level of generality." MPEP 2106.05. (Some of the PTO's materials use the term "WURC" as an abbreviation for this test.) Under Step 2B, an examiner must first identify individual claim elements that "go beyond" the examiner-identified abstract idea and apply the WURC test. The above-listed "added" elements of pending claim 34 are not "well-understood, routine, conventional activities previously known to the industry." Specifically, the examiner presents no evidence that it is routine or conventional (1) to deliver advertisements to a *second* visitor device based on profile information derived from contact of a *first* device with a profile supplier, (2) to direct profile-specific advertisements to the second device when a visitor *later* gets to a website

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controlled by a media property entity (i.e., an entity controlling ad space at least temporarily), or (3) to automatically select a media property out of a plurality of media properties based on a visitor's access to a profile supplier.

The PTO takes the position that an element or claim can be considered "conventional" even in the absence of prior art. In that regard, the MPEP says that "the search for an inventive concept should not be confused with a novelty or non-obviousness determination," and "lack of novelty under 35 USC § 102 or obviousness under 35 USC § 103 of a claimed invention does not *necessarily* indicate that additional elements are well-understood, routine, conventional elements." MPEP 2106.05(I) (emphasis added). Nevertheless, a finding of novelty and non-obviousness is at least a *factor* supporting a conclusion of *non-conventionality*. Here, the prior art raised in this application, after thorough consideration, does not show conventionality of the *added* elements, for the reasons stated in response to the obviousness rejection in Part I above.

Aside from the incorrect obviousness rejection, the FOA does not make any factual finding of WURC, except as to certain elements (tag, storage, computer system, and data transmission) that are not the argued "added" elements. For an examiner to conclude that added elements are "well understood, routine, conventional activities," the examiner must point to one of the following: (a) an admission in the specification, (b) a court decision, (c) a publication, or (d) official notice. MPEP 2106.05(d)(I)(2). Absent such assertions, "If the element is not widely prevalent or in common use, or is otherwise beyond those elements recognized in the art or by the courts as being well-understood, routine or conventional, then the element will in most cases favor eligibility." The FOA contains no such assertions; it does not point to any admission in the specification, any court decision, any publication (other than the references used ineffectually in the art rejection), or any official notice. The only court decisions cited in the FOA, by reference to a list in MPEP 2106.05(d)(II), allegedly just "indicate that mere receipt or transmission of data over a network" meets the WURC test. FOA, p. 44.

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However, those court cases, only generally referenced, do not address the added elements listed here. None of the above-listed added elements are limited to merely receiving and transmitting data and performing routine network operations.

"If the additional element (or combination of elements) is a specific limitation other than what is well-understood, routine and conventional in the field, for instance because it is an unconventional step that confines the claim to a particular useful application of the judicial exception, then this consideration favors eligibility." MPEP 2106.05(d). The absence of WURC—for the relevant "added" elements—favors patent-eligibility here under Step 2B.

The examiner merely asserts that the "additional elements do not recite a specific manner of performing any of the steps core to the already identified abstract idea" and "merely serve to generally 'apply' the aforementioned concepts and 'link' them to a field of use or are insignificant extra-solution activity to the already identified abstract idea …." FOA, p. 43. The examiner also argues that "these elements … amount to no more than mere instructions to apply the exception using generic computer components (i.e. a server) and/or gather and transmit data …." FOA, p. 44. Those examiner statements are unsupported and clearly wrong: Claim 34 does *far more* than merely describing the allegedly abstract idea of "targeted advertising" and generally applying that concept, and the claim does *not* merely apply "targeted advertising" to some specific field of use. The examiner simply strings together buzzwords to make barebones assertions, which is not a proper analysis.

Another factor relevant to Step 2B is whether the claim describes a particular machine, rather than the computer functioning generically, that is, "whether the [abstract idea] is applied with, or by use of, a particular machine." MPEP 2106.05(b). The MPEP states that the "particular machine" test questions "the degree to which the machine in the claim can be specifically identified (not any and all machines)." MPEP 2106.05(b)(I). Here, claim 34 recites a specially programmed machine in part (b), namely

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a machine programmed to select one of a plurality of media properties based on stored requests for specific profiles or types of profiles (limitations (3) in the above "added limitations" list). Claim 34 identifies a very specific computer, and it is not "any and all" computers that meet the requirements of part (b). **T**he MPEP also states that, to consider a "particular machine" as adding "significantly more, it must play a significant part in permitting the claimed method to be performed, rather than function solely as an obvious mechanism for permitting a solution to be achieved more quickly." MPEP 2106.05(b)(II) (citation omitted). Here, that is the case, because claim 34 requires (as stated in part (a)) that the inventive process must include receiving indicia of profile information from that specially programmed machine. The use of the "particular machine" as in element (3) on the "added limitations" list above has a different purpose, i.e., its purpose is not simply to permit targeted advertising "to be achieved more quickly."

For the above reasons, the Board should reverse the Section 101 rejection under Step 2B based on the specific "added elements" recited in claim 34 and listed above.

2. The claim as a whole contains an "inventive concept" that qualifies it as "significantly more" than any abstract idea.

Even if all elements *individually* are "well-understood, routine, conventional activities previously known to the industry," the PTO must still consider the claim as a whole, as "an ordered combination," i.e., to determine if it contains an "inventive concept." MPEP 2106.05(I) & (I)(B). Here, the invention defined by claim 34, considered as a whole, far exceeds mere use by a conventional computer of conventional tags, using conventional storage. The claimed invention instead establishes a new technique for providing a media property with a desired audience (as identified by desired profile) to allow delivery of ads based on the desired profile in a timely manner and at sufficient scale, and in particular to a device different from the device from which the profile information originated.

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As explained above in connection with the "integrated into a practical application" section (Step 2A), see part A above, considered as an "ordered combination," claim 34 contains an "inventive concept" that goes beyond mere ordinary targeted electronic advertising. Conventional targeted advertising would necessitate one-to-one negotiations between dozens, hundreds, or thousands of ad-displaying websites and different referring websites. Technical information would need to be exchanged to make any tagging possible, and constant updating would be required for each ad campaign. Referring websites could not timely tag visitors as a technical matter, and contracting could not allow for the flexibility needed to modify advertising campaigns on a customized basis for individual advertisers. Worse, advertisers would be faced with (1) relying on general advertising, without targeting, (2) targeting only an excessively broad audience, or (3) targeting an excessively small quantity of users. The invention claimed by claim 34, on the other hand, considered as a whole, provides a novel way to obtain a desired audience of both a sufficient size and a targeted type.

Claim 34 achieves that goal by the combination of elements considered as a whole, including having a specially programmed computer compare visitor profile information with a plurality of stored requests and choosing a particular media property entity, then providing that specific entity with profile information, so that the media property entity can direct advertisements to a particular visitor, even at a later time, and even when the visitor appears at a controlled web page using a different device. That "ordered combination" does not contain "mere instructions to apply" abstract concepts of targeted advertising; does not recite mere "insignificant extra-solution activity" such as "data gathering"; and does not merely apply targeted advertising to a specific "technological environment or field of use." Even if the examiner could have shown that each individual element of claim 34 was routine and conventional (which the examiner has not done), the claim as a whole contains a useful and non-obvious inventive concept that far exceeds merely claiming targeted

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advertising and then adding other limitations stating to "do it." *See, e.g.*, MPEP 2106.05(I), which describes *BASCOM Global Internet Servs. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016), as standing for the proposition that an "inventive concept may be found in the non-conventional and non-generic arrangement of components that are individually well-known and conventional."

The examiner argues "the claims do not present a technical solution to a technical problem." FOA, p. 41. The examiner further argues, "these steps as drafted … are instead a business decision to provide profile information upon request from an entity (e.g. a website) who has requested such information, and subsequently targeting advertisement to a device [second device], which is inferred to belong to a user who has used a first device …." FOA, p. 42. However, the examiner is wrong; the above-listed added elements form technical limitations and far exceed a mere "business decision."

Every useful invention, technical or not, has a business *motivation*, so that is not conclusive under Step 2B. The invention claimed here, by contrast, goes beyond merely having a business *purpose*: Claim 34 identifies specific, technical ways to cause delivery of targeted advertisements to visitors with a desired profile at scale and in a timely manner, even when the visitors appear at *different times* (from when the profile information is collected or becomes available to a website) and even when the visitors appear at a website using a *different device*. MPEP 2016.05(a) states that, to support patentability under Step 2B, a claim should specify "a particular solution to a problem" as "opposed to merely claiming the idea of a solution or outcome." Here, claim 34 does just that. Claim 34 goes far beyond merely "claiming the *idea* of a solution"; it claims specific techniques used in the solution.

The combination of elements here relies on a unique interface among different computers and websites and thus defines an "inventive concept" sufficient to overcome the *Alice*-type rejection. In that regard, this situation is akin to *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1258-59 (Fed. Cir. 2014), which is likewise a case

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involving a patent claim defining a "solution [that] is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer *networks*." 773 F.3d at 1257 (emphasis added). Despite acknowledging that DDR's invention addressed a business problem, namely the "challenge of retaining control over the attention of the customer in the context of the Internet," *id*. at 1258, the *DDR* Court held that the claims satisfied § 101 because, "when the limitations of the … asserted claims are *taken together as an ordered combination*, the claims recite an invention that is not merely the routine or conventional use of the Internet," and more specifically: "Instead of the computer network operating in its normal, expected manner by sending the website visitor to the third-party website that appears to be connected with the clicked advertisement, the claimed system generates and directs the visitor to the above-described hybrid web page that presents product information from the third-party and visual 'look and feel' elements from the host website." *Id*. at 1258-59 (emphasis added). That DDR's claimed invention used general purpose computers, conventional links, and conventional web pages (e.g., built with HTML) did not negate patent-eligibility. Considering claim 34 here, it is also the case that the "computer network" does not operate in "its normal, expected manner" of targeting advertising to a given user appearing on a given website and instead achieves different and improved results, including the ability to reach a user at a different time and on a different machine, without (as noted above) unduly restricting the number of visitors having desired targeting characteristics.

The FOA's comments summarized above seek to denigrate the claim by referring to specific *aspects* of it, without addressing the differences from the prior art or from conventional techniques, and without addressing all features that exceed the examiner-identified abstract idea of electronic advertising. The examiner specifically seems to demand that, to get any patent, appellant must have invented a "new technique" for "receiving requests," for "'storing' profile information in a database," or for "delivering

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… profile information." FOA, p. 43. The examiner simply refuses to accept the presence of advances to which the claims are *actually* directed and seeks to minimize the claim by referring only to the use of pre-existing *components*, rather than considering the claim as a whole. That is not a fair analysis under Step 2B.

It is also a factor favoring eligibility here under Step 2B that the instant claims do not merely automate activity done previously in a manual way, i.e., there is no analogous process previously performed by humans. The FOA does not deny this.

Appellant respectfully submits that claim 34 is directed to eligible subject matter for the additional reason that the claim as a whole defines an "inventive concept," and appellant respectfully requests reversal of the rejection both for that reason and the reasons identified in the previous subsections.

C. <u>The examiner previously withdrew an *Alice*-type rejection of related and broader claims after evaluating Section 101 arguments presented in a non-instituted CBM proceeding</u>.

Certain historical events and conclusions support appellant's position in the above discussion of *Alice*, but the FOA entirely ignores them. Appellant respectfully requests the Board consider the following and decide this appeal in a consistent way.

In matter CBM2017-00059, the PTAB reviewed a petition (filed June 2, 2017) to hold related U.S. Patent 8,244,574 as directed to unpatentable subject matter under *Alice*/Section 101. Despite various differences in claim language (compared to claim 34 here), the '574 Patent challenged in that CBM filing has certain similarities to pending claim 34, as follows:

(1) In both instances, claim part (b) refers to a specially programmed "profile owner computer" that selects an entity based on comparing visitor profile information with stored requests of plural entities;

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(2) In both instances, claim part (a) refers to the selected entity having a computer system that responds to received matching profiles desired or requested by the entity;

(3) In both instances, the claims refer to a tag associated with a visitor device; and

(4) In both instances, the claims refer to later using the tag and causing delivery of a profile-dependent electronic advertisement.

The instant claim contains more specifics, particularly the cross-device advertising features.

The PTAB declined to institute a CBM proceeding on the grounds that the challenged claims of the '574 Patent were not financial-related, whereas CBMs proceedings can proceed only for patents that meet that criterion. *See* 11/30/2017 decision denying institution. Nonetheless, patent owner's remarks in that CBM proceeding presented further arguments explaining why the claims complied with Section 101 and *Alice* principles, and why the Petition's *Alice* arguments were wrong.

Just before the CBM petition, this same examiner had made a rejection under a 101/*Alice* theory in application SN 14/080,999, which led directly to the Grandparent application discussed above. *See* SN 14/080,999, 9/15/2016 office action. Appellant responded on March 15, 2017, presenting arguments against that rejection. Then, on July 26, 2017, appellant filed a Supplemental Information Disclosure Statement advising the examiner of the filed CBM petition. In a final office action dated August 11, 2017, the examiner repeated the Section 101 rejection.

In remarks presented in connection with an examiner's interview on February 7, 2018 (*see* pp. 18-21 of attachment to examiner's report dated 2/13/2018), appellant presented arguments similar to those presented in the 9/13/2017 preliminary response in the CBM matter. The SN 14/080,999 application became abandoned in favor of the Grandparent application, and in a preliminary amendment in the Grandparent

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application, appellant presented similar remarks, again arguing against the repeated Section 101 rejection. *See* pp. 19-22 of 2/9/2018 preliminary amendment in SN 15/893,354.

By this time, the PTAB had denied institution of the CBM petition. In the next office action, dated June 15, 2018, the examiner confirmed that he had reviewed the information cited in the parent, acknowledged the IDS filings, and *declined* to make a Section 101 rejection. In response, appellant confirmed, "No Section 101 (*Alice*) rejection has been repeated." 9/14/2018 Response in Grandparent SN 15/893,354, p. 10. The examiner did not thereafter reinstate any *Alice* rejection in the Grandparent.

Appellant appealed from the *obviousness* rejection of the Grandparent application, but the PTAB reversed that rejection. Importantly, the Board did not enter any new ground of rejection based on *Alice* (as it frequently does). It seems clear that the Board did not feel the need to enter an *Alice* rejection, despite considering the possibility of entering new grounds of rejection. *See generally* transcript of oral argument in Grandparent, dated 9/24/2020 (Board began the argument by stating, "we agree" that "the rejection can't stand as it's currently formulated" but wish to address other "concerns with respect to the claim," and the argument concluded with reference to a "significant number of options" that are "not an examiner rejection"); *see also id.*, pp. 10-13 (argument where appellant's representative explained "technical advantage of the invention" and how that was reflected in the claim wording).

After remand, when reconsidering the application in view of the Board's decision, the examiner (guided by the SPE, who became heavily involved) did not make any *Alice* rejection either. Next, in the *Parent* application, considered at about the same time (also with the SPE's input), the examiner again did not make any *Alice* rejection.

Accordingly, the above history makes clear that the examiner (1) reviewed the arguments made in the CBM matter for and against application of *Alice*, (2) considered appellant's arguments against application of *Alice* made in the Grandparent and in the CBM response about the related '574 Patent, and (3) withdrew the *Alice* rejections upon

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accepting those arguments by appellant, and (4) did not repeat thereafter *Alice* rejections in either of two applications, both of which have broader claims than those claims pending here. The examiner has never explained any reason why, despite those previous findings, the examiner again relies on an *Alice* rejection in this application, even though the claims here are *more specific*, and thus *less* "abstract" and *less* general, than the claims for which the examiner *withdrew* the *Alice* rejection.

The PTO has previously acknowledged—explicitly by the same examiner and implicitly by the Board—that technical advances and unconventional approaches make the previous claims not subject to an *Alice*-type rejection. The same conclusion should apply to pending claim 34, and even more so because of the added, narrowing limitations related to cross-device advertising.

IV. Conclusion

In sum, the invention defined by pending claim 34 is non-obvious and patent-eligible. Appellant therefore deserves reversal of all rejections, leading to allowance of this application and grant of a patent.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: September 6, 2023

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34. A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);

(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a); and

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

35. The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a television of the visitor.

36. The method of claim 34 wherein the first visitor device is a computer of the visitor and the second visitor device is a mobile phone of the visitor, and wherein the profile information is derived from the visitor's activity using the computer of the visitor.

37. The method of claim 36 wherein the tag identifies the mobile phone.

38. The method of claim 36 wherein the profile owner computer is programmed to automatically select a media property entity using the profile information about the visitor derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile owner computer as a result of a URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

39. The method of claim 34 wherein the second visitor device is a computer and further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

40. The method of claim 39 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment

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controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

41. The method of claim 34 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner company controlling the profile owner computer.

42. The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

43. The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

44. The method of claim 43 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

45. The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

46. The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic delivery of a requested profile comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected entity to place the first visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a database associated with the computer equipment of the selected entity, of the profile information.

47. The method of claim 46 further comprising, after parts (a) and (d), with the computer system electronically reporting information about delivery of the advertisement to the second visitor device, which report is provided to a profile owner controlling the profile owner computer.

48. The method of claim 47 wherein electronically reporting comprises automatically placing the second visitor device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

49. The method of claim 48 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the first visitor device.

50. The method of claim 49 wherein the profile information about the visitor was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the first visitor device.

51. The method of claim 34 (i) wherein the electronic apparatus of the profile supplier operates in the Internet, (ii) wherein the second visitor device is a television of the visitor, and (iii) wherein the computer system of part (a) utilizes the profile information associated with the visitor to cause delivery of the electronic advertisement to the television of the visitor.

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 17/401,052
Filing Date: 08/12/2021
Appellant(s): Datonics, LLC

_____
Louis J. Hoffman, Reg. No. 38,918
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/06/2023.

(1) Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 06/22/2023 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The 35 USC 101 rejection is respectfully withdrawn.

(2) Response to Argument

1. Regarding Argument A (Brief, pgs. 15-18) Appellant asserts *"A. Primary reference Gilmour does not disclose a profile owner computer selecting a media property entity from among plural entities"*:

Appellant first asserts (Brief, pg. 15), various citations to the prior art of Gilmour, which were presented by the Office as part of an Office Action of a parent application, have some "significance" to this application. However, Appellant does not further elaborate what he means nor does he further illuminate how this "significance" bears on the present claim mapping of the Final Rejection nor does this assertion provide evidence the current claim limitations in question do not read on the teachings of Gilmour, as presently cited by the Office. Therefore, these assertions are not convincing.

Appellant (Brief, bottom pg. 15 – pg. 18) provides a narrow characterization of the teachings of Gilmour and asserts (e.g. pg. 18, final paragraph) there is a distinction between the manner by which Gilmour responds to entities requesting profiles and the recited "selection" of a media property entity to receive a profile. However, the Examiner respectfully disagrees. The Appellant's method of selection of a media property entity (i.e. which is via an outcome of a "comparison" as claimed) dictates which media property entity receives a profile and Gilmour also makes a decision about which of his requesting entities 50 are to receive requested profiles by making the same comparison and therefore Appellant's lack of evidence to draw a distinction between the claims and the teachings of Gilmour is not convincing.

Appellant does not provide evidence which refutes the fact that Gilmour teaches the limitation in question nor does Appellant's narrow characterization of Gilmour provide evidence to support Appellant's

primary assertion (Brief, pg. 17, 2nd to last paragraph) which is as follows: *"…the computer in Gilmour is not programmed to automatically select an "entity" from a plurality of different media properties. Rather, each time Gilmour receives a request from a particular "requesting entity 50," the server 22 responds to that specific requesting entity. No "selection" occurs, of the sort claimed in part (b) of pending claim 34."*

The Examiner maintains Gilmour does teach Appellant's argued limitation: *(b) wherein the profile owner computer is programmed to: (i) automatically select a media property entity of a plurality of media property entities, etc…* and Examiner maintains Gilmour's "selection" is the "sort [of selection] claimed in part (b) of pending claim 34".

Examiner highlights the fact that Appellant's "selection" of a media property entity is not exclusive – i.e. such selection is not recited as excluding "selection" of other media property entities and Gilmour teaches selection of at least one "requesting entity 50" [media property entity] of a plurality of such "requesting entities".

In summary, the thrust of the rejection of this feature (Final Rejection, pgs. 17-18, mailed 6/22/2023) is that Gilmour (e.g. Gilmour Fig. 8 and [0041]-[0044]) is found to teach a server 22 of profile service provider 34 [profile owner computer of profile owner] constructs and maintains a profile regarding a potential customer (e.g., the individual 32) on behalf of website 42 [profile supplier]. Furthermore, server 22, via authorization by individual 32, "selectively publish[es]" to third parties requesting entities 50 these user profiles; i.e. a "third party" [media property entity], e.g. Gilmour's "Requesting Entity 50" [media property entity], is selected to receive a profile when the profile matches the type of profile requested by the third party "requesting entity 50" [media property entity] and the profile info of the user authorizes the third party "requesting entity 50" to receive such profile info. The third party requesting entity 50 is therefore "selected", from a plurality of such third party entities requesting various profiles, to receive the profile info based on a required comparison, i.e. the third party entity had to request a profile of a user and a profile of a user of the type requested had to be available/stored; the profile being stored as result of user visiting a website using a device (e.g. computer) which is what is claimed – i.e. "…*based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each*

stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system"

Again, the Office's rejection of the limitation in question, in view of the teachings of Gilmour, are found on pgs. 17-18 of the Final Rejection (6/22/2023), as follows:

> ***(b) wherein the profile owner computer is programmed to:***
>
> ***(i) automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system*** (Gilmour, see again at least Figs. 3, 8, 9 and at least [0039]-[0042] regarding website 42 dropping a "cookie" on "client computer system 36" [e.g. a first device] visiting/accessing website 42, where the cookie may "be utilized to identify the individual" [profile information], and "the profile service provider 34 [profile owner] receives profile information, for example harvested by a website 42, in the form of an eXtensible Markup Language (XML) document, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier] ..." and these profiles are "selectively publish[ed] to third parties"; i.e. a third party requesting such a profile is not selected unless the profile info of the visitor authorizes the third party to receive such info; also per [0058]-[0061] in view of [0088]-[0093], teaches "... Profile service provider" [profile owner computer] sends a "query result 66" to an entity out of a plurality of entities requesting profile information [i.e. a media property entity has been selected, to whom a query result is to be sent, based on matching criteria]. The "query result 66" is sent to a selected entity 50 based on the Profile Service Provider's comparison of: (A) stored "profile portions 82, ... 86, 88, etc ... " [profile information] received from a websites 42

> [profile suppliers], about a user who had visited "website 42" [profile supplier] (e.g. as discussed at least also per [0039]), with (B) stored "queries 58" [stored requests] received from "requesting entities 50" [other media property entities, one of which is "requesting entity 50"/entity controlling computer system]; e.g.: " ... shown in FIG. 9, responsible to an authorization grant from the website 42, the profile service provider 34, at block 114, performs a matching operation against each of the external profile portions 82 (e.g., proprietary profile databases) of the external profilers 84 from which the profile service provider 34 has obtained authorization. The matching operation may also be performed against the public and private portions 86 and 88 constructed by the profile subject 90 ... query results 66 may be communicated directly to the requesting entity 50. Otherwise the query results 66, which generated as a result of hits that occurred against other private portions or external profile portions for which a rule 70 requires authorization, are published to the requesting entity 50 upon receipt of an affirmative response from the profile subject 90 ... ")

For these reasons, the Office finds the Appellant's assertions and argument is not convincing and the rejection should be maintained.

2. Regarding Arguments B (Brief, pgs. 19-21) *"B. Sathish does not disclose a tag used as a link to profile information in a database and does not disclose advertising (or causing ad-delivery) and there is no valid stated premise for combining Sathish with Gilmour"*:

Appellant makes three primary arguments (Brief, pgs. 20-21). However, first, regarding Appellant's statement (Brief, pg. 19): "*Appellant described Sathish previously…, and the examiner did not deny or rebut the accuracy of that description:",* respectfully, this statement is false. Per the Final Rejection, the Office found Appellant's arguments (which include his narrow characterizations of the prior art of Sathish) not convincing.

Appellant's argument B.1 (Brief, pg. 20) is in regards to limitation (d)(i) as follows:

> 1. Pending claim 34 recites, in part (d)(i), the limitation of "using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database," i.e., the database of the selected media property's computer system (see claim 34, part (a) and above discussion).
>
> The examiner admits that Gilmour does not disclose any tag to a second visitor device, hence the rejection must rely on Sathish's supposed tag. However, Sathish does not contain any disclosure of Sathish's device code (if considered as a tag at all) satisfying the limitation of being used "as a link to access the profile information." The FOA contains no further explanation. Even considering the combination of Gilmour and Sathish, the examiner refers to *Gilmour's* tag (which refers to a *first* device) and alleges that Gilmour discloses a cookie 46 that identifies the individual 32 to the requesting entity 50. *See* FOA p| 19. But Gilmour does not discuss cookie 46 linking to any database storing profile information.

Respectfully, this argument does not address the actual grounds of rejection provided by the Office. Although the rejection does rely upon a combination of teachings of Gilmour in view of Sathish, i.e. the techniques of Sathish are applicable to the known device/method of Gilmour, Appellant's arguments do not address the actual grounds of rejection nor the actual rationale for combination.

Furthermore, the combination of prior art (as noted per Final Rejection, pgs. 19-20), does teach the feature in question, which in summary is as follows:

Regarding, ***(d) later, when the second visitor device is available to receive an advertisement, with the computer system*** (Sathish, e.g. see at least [001]-[0003][1] and [0060], teaching: "However, if the devices are capable of supporting (and willing to support [available to receive]) the multimodal application... the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup language[2] of the application accordingly..."; i.e. a markup language defines how the layout and

[1] Sathish [0003]: "FIG. 1 illustrates the basic components of a World Wide Web Consortium (W3C) multimodal interaction framework, which is described more fully in W3C Multimodal Interaction Framework, W3C NOTE 6 May 2003 available at http://www.w3.org/TR/mmi-framework/ and incorporated herein by reference in its entirety. As shown, a user 120 enters input into a multimodal system via an input component 125 using, for example, speech, handwriting, or keystrokes, and observes and/or hears output presented by the system via an output component 127, in the form of speech, text, graphics, audio files or animation."

[2] Examiner notes: "…A markup language is a set of rules that defines how the layout and presentation of text and images should appear in a digital document…" (https://en.wikipedia.org/wiki/Markup_language)

presentation of text and images should appear in a digital document. Also note per [0003]: "…output [i.e. content] presented by the system via an output component 127, is in the form of speech, text, graphics, audio files or animation."; i.e. Examiner understands Sathish teaches his system detects the capabilities of a device and whether it is capable and willing [available] to receive particular modalities of output/content [advertisements] in the form of speech, text, audio, animation, etc…, from a multimodal application. Note, Sathish, per e.g. [0002]-[0003], [0007], [0032], [0053]-[0062], teaches: a "multimodal application" may be a "multimodal web site"; Examiner notes that the public output/content, of Sathish's public "multimodal web site", constitutes a "public notice" which is an advertisement, because Merriam Webster's dictionary defines advertisement as follows: "an advertisement is a public notice" (https://www.merriam-webster.com/dictionary/advertisement))

Regarding ***(i) using a tag[3] associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device,*** (The Examiner finds that Sathish per at least [0053]-[0054] teaches using the multimodal profile [tag] associated with the second visitor device as a link to access the composite profile [profile information associated with the visitor stored in the database] and this info is used to determine which modality of content is provided to a device; i.e. Sathish explicitly states: "...If the subsequent device(s) is/are operated by the same user [i.e. based on ID contained in multimodal profile [tag]], the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multi modal profile of each device) to the Composite Capability Profile 480 [i.e. accessing the profile information associated with the visitor stored in the database], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108)…" and again per [0060]: "However, if the devices are capable of supporting (and willing to support [available to receive]) the multimodal application... the Interaction Manager 230, in Step 504, determines which device will contribute which modality to the processing of the multimodal application, and divides the markup

[3] Regarding "tag", As noted *supra*: Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device ... ". According to spec [6:10-11], " …the tag could be whatever the software wants it to be, including a cookie of any domain."

language of the application accordingly..." [i.e. (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device])

Regarding ***wherein the electronic advertisement is dependent on the profile information associated with the visitor*** (Again as noted *supra*, Appellant's advertisement reads on Sathish's output of content on a public multimodal website because such output of content constitutes a "public notice", which is the definition of an advertisement per Merriam Webster's dictionary https://www.merriam-webster.com/dictionary/advertisement; Furthermore, Sathish's output of content [advertisement] is dependent upon the profile info of the website user [visitor], where such profile includes device capabilities and user preferences; e.g. per Sathish [0053]-[0054]: "…Using the unique user ID [using personally identifiable information], in Step 107, the Interaction Manager 230 determines whether the subsequent device(s) is/are operated by the same user--i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first? If the subsequent device(s) is/are operated by the same user, the Profile Manager 234 (or Profile Manager Module 370) adds the capabilities and user preferences of the subsequent device(s) (included in the multi modal profile of each device) to the Composite Capability Profile 480 [i.e. profile information which was previously received], and the Interaction Manager 230 provides the same session ID to the subsequent device(s) (Step 108)…" and per [0057]: "...interaction manager 230 determines, based on the requirements and conditions, as well as the capabilities and user preferences of each device, which part of the application will be processed by each device and distributes the application to the devices accordingly...")

In view of these aforementioned teachings, the Examiner understands Gilmour's "cookie" [tag] to be analogous to Sathish's "multimodal profile" [tag] which is taught as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are application of known techniques of Sathish (directed towards using a multimodal profile [tag] to identify a second device of a user to which a specific mode of output of a multimodal application should be processed, e.g. output content [advertisement], which per [0003] is "in the form of speech, text, graphics, audio files or animation" of a public multimodal web site, by using a unique user ID, received within the multimodal profile [cookie / tag] via a session request, of this second

device to determine if this unique user ID is the same as already received from a first device, e.g. based on profile 480 and user preferences and linking the profile with the profile received from a first device, via this composite profile 480, etc… and later, when this second device is "capable and willing [available]" to receive a multimodal application markup, the proper portion is selected and delivered to the device dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of Gilmour (already directed towards identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer and delivering targeted marketing to the device based upon stored profile information, but does not explicitly further teach identifying a second visitor device using personally identifiable information by which to target marketing) to yield predictable results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour in order to realize Gilmour, per Sathish's techniques, would benefit by similarly recognizing a second device of the same user to enhance Gilmour's teaching per [0039] of "enable[ing] the website to personalize the presentation of information, and intelligently target marketing activities to the individual based on profile information accessible to the website 42" as provided to this second device because Gilmour and Sathish are analogous art in the same field of endeavor (at least G06Q30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Appellant's argument B.2 (Brief, pg. 20) is as follows: *"Sathish has nothing to do with delivery of electronic advertisements,…"*

Respectfully, this argument is not convincing. Examiner notes that the public output/content, of Sathish's public "multimodal web site", constitutes a "public notice" which is an advertisement because Merriam Webster's dictionary defines advertisement as follows: "an advertisement is a public notice" (https://www.merriam-webster.com/dictionary/advertisement))

Sathish, e.g. see [0001]-[0003]: "[0001] This invention relates to multimodal applications, and

more particularly to a method of enabling multiple devices to participate in a single session for processing a multimodal application. [0002] Multimodal interaction allows users to dynamically select the most appropriate mode of interaction for their current needs. When processing a multimodal application (e.g., browsing a multimodal web site), depending upon the device operated by a user, he or she can provide input to the application via speech, handwriting, keystrokes, or other input modalities, with output presented via displays, prerecorded and synthetic speech, audio, and/or tactile mechanisms such as mobile phone vibrators and Braille strips. [0003] FIG. 1 illustrates the basic components of a World Wide Web Consortium (W3C) multimodal interaction framework, which is described more fully in W3C Multimodal Interaction Framework, W3C NOTE 6 May 2003 available at http://www.w3.org/TR/mmi-framework/ and incorporated herein by reference in its entirety. As shown, a user 120 enters input into a multimodal system via an input component 125 using, for example, speech, handwriting, or keystrokes, and observes and/or hears output [advertisements] presented by the system via an output component 127, in the form of speech, text, graphics, audio files or animation…"

Appellant's argument B.3 (Brief, pg. 21) is as follows: *"An ordinarily skilled artisan at the time of the invention would not have thought to combine Sathish with Gilmour for the reason proffered by the FOA,…"*

Respectfully, these arguments are not convincing. The Office has found that the techniques of Sathish are applicable to the known base device/method of Gilmour.

Gilmour's device/method, e.g. per [0039], utilizes a cookie [tag] to "…maintain state during a network access session from the client computer system 36 to the website 42 so as to enable the website 42 to track a "click stream" or other activities of the individual 32 with respect to the website 42…"

Sathish teaches improved techniques for maintaining state and establishing sessions, e.g. per title: "multidevice session establishment for multimodal browsing" and per [0004]: "….The session component 150 provides an interface to the interaction manager to support state management and temporary and persistent sessions for multimodal applications…"; Sathish's improved technique of establishing a session makes use of a "multimodal profile" [tag] which not only performs the function of identifying a user/device, which is also a function which Gilmour's "cookie" [tag] performs, but Sathish's

"multimodal profile" [tag] also performs the claimed functions of Appellant's "tag" where Gilmour's teaching regarding "cookies" are lacking.

Examiner notes, Appellant's Specification discloses that his tag may also be a cookie; e.g. per Provisional Specification (60/805,114 at pg. 4): "cookie is only one example of a possible Tag", and according to Specification [6:10-11]: " . . . the tag could be whatever the software wants it to be, including a cookie of any domain."

So, although Gilmour is found to teach "cookie", and Gilmour's "cookie" is taught, e.g. per [0039], as being "utilized to identify the individual", etc… the Examiner has found (e.g. Final Rejection, pg. 19) that Gilmour may not explicitly teach all the functionality which Appellant ascribes to his cookie/tag, e.g. Gilmour may not explicitly further teach a "cookie" [tag] may also identify a second device, etc.... Nonetheless, Sathish is found to teach these features and therefore is reasonably pertinent to the problem faced by the Appellant and these techniques of Sathish are applicable and pertinent to the base device/method of Gilmour as Sathish's "multimodal profile" [tag] is analogous to Gilmour's "cookie" [tag] as Sathish's "multimodal profile" [tag] is taught, per Sathish at [0011], as being "receiv[ed] as part of a request to establish a session" which is how Gilmour's "cookie" is also received and which is also used to by the server to implement/establish session and maintain state.

For these reasons, Appellant's arguments and assertions are not convincing.

3. Regarding Arguments C (Brief, pgs. 22-25) *"Sathish is non-analogous art to the claimed invention"*:

Appellant again reiterates the primary arguments from argument B.3. Respectfully, regardless of whether Gilmour's and Sathish's respective Pre-Grant Publications list each application as being classified within the same CPC field as the Appellant's claimed invention, the Examiner notes that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it has been demonstrated, as noted *supra* regarding argument B.3, and in the Final Rejection (pgs. 21-22) how both references (Sathish and Gilmour) are reasonably pertinent to the problem faced by the inventor/Appellant (even if they are not classified in the

same field of endeavor as the claimed invention) and the techniques of Sathish are pertinent and applicable to the known base device/method of Gilmour. Appellant does not actually argue against this point.

Again, Gilmour is pertinent to Appellant's "tag", which Appellant's Specification teaches may be a cookie, because Gilmour is found to teach "cookie", and Gilmour's "cookie" is taught, e.g. per [0039], as being "utilized to identify the individual", as is Appellant's "tag", etc…Nonetheless, the Examiner has found (e.g. Final Rejection, pg. 19) that Gilmour may not explicitly teach all the functionality which Appellant ascribes to his cookie/tag, e.g. Gilmour may not explicitly further teach a "cookie" [tag] may also identify a second device, etc.... However, Sathish is found to teach these features and therefore is also reasonably pertinent to the problem faced by the Appellant and these techniques of Sathish are applicable and pertinent to the base device/method of Gilmour as Sathish's "multimodal profile" [tag] is analogous to Gilmour's "cookie" [tag] as Sathish's "multimodal profile" [tag] is taught, per Sathish at [0011], as being "receiv[ed] as part of a request to establish a session" which is how Gilmour's "cookie" is also received and which is also used to by the server to implement/establish session and maintain state.

For these reasons, Appellant's arguments and assertions are not convincing.

4. Regarding Arguments D (Brief, pgs. 25-26) *"D. Conclusion as to prior art: The elements missing from the prior art allow the claimed invention to achieve significant advantages"*:

Appellant primarily makes assertions to support the stated conclusion and as such these assertions fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regarding the assertion that there is no motivation to combine the references (Brief, pg. 27): *"In any event, the rejection has no valid motivation to combine the references",* respectfully, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21

USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In the present instance, as clearly articulated (Final Rejection, pgs. 21-22), the Examiner has noted that Sathish's technique is applicable to Gilmour's known device/method and according to MPEP 2143(1) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

For ease of reference, the rationale for combining Sathish with Gilmour (Final Rejection, pgs. 21-22) is provided hereinbelow:

"In view of these teachings, Examiner understands Gilmour's "cookie" [tag] to be analogous to Sathish's "multimodal profile" which is taught as being provided as part of a session request by a device and includes: "a list of one or more capabilities of the device with which it is associated, the user preferences, and a unique user ID". Therefore, the Examiner understands that the limitations in question are merely applying known techniques of Sathish (directed towards using a multi modal profile to identify a second device of a user to which a specific mode of a multi modal application should be processed, e.g. per example at [0062] or, for example a video ad of a multimodal web site, by using a unique user ID, received within the multimodal profile [cookie/ tag] via a session request, of this second device to determine if this unique user ID is the same as already received from a first device, e.g. based on profile 480 and user preferences and linking the profile with the profile received from a first device, via this composite profile 480, etc … and later, when this second device is "capable and willing" to receive a multi modal application markup, the proper portion is selected and delivered to the device dependent upon both "the capabilities and user preferences of each device listed in [a] Composite Capability Profile 480") which is applicable to a known base device/method of Gilmour (already directed towards identifying a client computer 36 [first visitor device] of a visitor whose profile information has been received from a profile owner computer and delivering targeted marketing to the device based upon stored profile information, but does not explicitly further teach identifying a second visitor device using personally identifiable information by which to target marketing) to yield predictable results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Sathish to the device/method of Gilmour in order to realize Gilmour, per Sathish's techniques would benefit by similarly recognizing a second device of the same user and "enable the website to personalize

the presentation of information, and intelligently target marketing activities to the individual based on profile information accessible to the website 42" as provided to this second device because Gilmour and Sathish are analogous art in the same field of endeavor (at least G06O30/02 and/or H04L 67/14 Session management as both Gilmour and Sathish are also concerned with establishing sessions for devices) and because according to MPEP 2143(1) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

5. Regarding Arguments II (Brief, pg. 27) *"The double-patenting rejection depends on combining Grandparent U.S. Patent 10,984,445 with Sathish. Because Sathish is not analogous art to the claimed invention, for the reasons shown in Part LC above, the Board must reverse this rejection as well."*

Respectfully, this argument is not convincing because Sathish is shown to be reasonably pertinent to Appellant's claimed invention for the reasons already shown *supra*. Additionally, Sathish teaches the features which are lacking in Grandparent U.S. Patent 10,984,445. Appellant does not refute this fact.

6. Regarding Arguments III (Brief, pg. 27) *"The Section 101 (Alice-type) rejection is erroneous."*

Respectfully, the rejection at issue has been withdrawn making these arguments procedurally moot. However, the Examiner does not find that there is a technical solution to a technical problem. Instead, when the examiner reconsiders the data gathering steps under Step 2B of the 2019 PEG Analysis, the examiner determines that the combination of steps as claimed gather data in an unconventional way and, therefore, provides an "inventive concept," rendering the claim eligible at Step 2B. For this reason, the rejection is respectfully withdrawn.

For the above reasons, it is believed that the rejections should be sustained.

Conferees:

/Michael J Sittner/

Primary Examiner, Art Unit 3622

/ILANA L SPAR/
Supervisory Patent Examiner, Art Unit 3622

/HAJIME ROJAS/
Supervisory Patent Examiner, Art Unit 3681

Requirement to pay appeal forwarding fee. In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

TO: Louis@valuablepatents.com,donald@valuablepatents.com,dsalavi@northwestpatent.com
FROM: noreply@uspto.gov
CC: patentcenter_eofficeaction@uspto.gov
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Application	Document	Mailroom Date	Attorney Docket No.
17401052	APEA	01/26/2024	14-PP-CON6

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Doc Code: WFEE.APPEAL
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PTO/AIA/34 (12-22)

CERTIFICATION AND TRANSMITTAL OF APPEAL FORWARDING FEE	Docket Number (Optional) 14-PP-CON6

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on March 12, 2024.

Signature /Michelle B. Lisa/

Typed or printed name Michelle B. Lisa

First Named Inventor	
Shkedi, Roy	
Application Number	Filed
17/401,052	Aug. 12, 2021
For	
Providing collected profiles to media properties having specified interests	
Art Unit	Examiner
3627	Michael J. Sittner

37 CFR 41.45 specifies that, in order to avoid dismissal of the appeal, appellant must pay the fee set in 37 CFR 41.20(b)(4) within two months of the later of the date of either the examiner's answer, or a decision refusing to grant a petition under 37 CFR 1.181 to designate a new ground of rejection in an examiner's answer.

The undersigned certifies that the appropriate fee accompanies this transmittal.

The fee for forwarding this appeal is (37 CFR 41.20(b)(4)) $ 2,360.00

☐ Appellant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 60%, and the resulting fee is: $ _____

☐ Appellant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 80%, and the resulting fee is: $ _____
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

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Extensions of time under 37 CFR 1.136(a) for patent applications are not applicable to the time period set forth in this 37 CFR 41.45. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for *ex parte* reexamination proceedings.

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I am the

☐ appellant

■ attorney or agent of record
Registration number 38918

☐ attorney or agent acting under 37 CFR 1.34
Registration number _____

Signature /Louis J. Hoffman/

Typed or printed name Louis J. Hoffman

Telephone Number (480) 948-3295

Date March 12, 2024

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

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ELECTRONIC PAYMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/401,052	**03/12/2024 07:14:08 PM Z ET**	**14-PP-CON6**

Title of Invention

Providing collected profiles to media properties having specified interests

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	-
CONFIRMATION #	9730	FILED BY	Michelle Lisa
PATENT CENTER #	64657652	AUTHORIZED BY	Louis Hoffman
CUSTOMER #	26362	FILING DATE	08/12/2021
CORRESPONDENCE ADDRESS	-	FIRST NAMED INVENTOR	Roy Shkedi

Payment Information

PAYMENT METHOD	PAYMENT TRANSACTION ID	PAYMENT AUTHORIZED BY
CARD / 8494	**E20243BJ16018450**	**Michelle Lisa**

FEE CODE	DESCRIPTION	ITEM PRICE($)	QUANTITY	ITEM TOTAL($)
1403	REQUEST FOR ORAL HEARING	1360.00	1	1360.00
1413	FORWARDING AN APPEAL IN AN APPLICATION OR EX PARTE REEXAMINATION PROCEEDING TO THE BOARD	2360.00	1	2360.00
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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/401,052	**03/12/2024 07:14:08 PM Z ET**	**14-PP-CON6**

Title of Invention

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PATENT CENTER #	64657652	FILING DATE	08/12/2021
CUSTOMER #	26362	FIRST NAMED INVENTOR	Roy Shkedi
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	Louis Hoffman

Documents

TOTAL DOCUMENTS: 3

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
24-03-12-PP-CON6-AFF.pdf	2	Certification and Transmittal of Appeal Forwarding Fee	178 KB
24-03-12-PP-CON6-Reply_Brief.pdf	17	Reply Brief Filed	575 KB
24-03-12-PP-CON6-Request_Oral_Hearing.pdf	2	Request for Oral Hearing	534 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
24-03-12-PP-CON6-AFF.pdf	25C2402FE607FA0A2C161F31D0BAF7B84F8BD6FF4E419F587 BBB2737320B5D28B77AA1461CF86512AB3571D28A8D61F74F

	7C31062A327033AF0B656FD58AB087
24-03-12-PP-CON6-Reply_Brief.pdf	D38F5C4A3DBF4311FD65691315293CA7227132B3626B0AD18037941DB27D610B46F4AC430EFF3ACB56061D3D972B352673BAD0ACE9A1A063ADEA525B3826B945
24-03-12-PP-CON6-Request_Oral_Hearing.pdf	38A73B546EA819ADA398C2555F7A6F9958966C328448A0AB9D0EFC692147B1780EF0B5F4364EF6BFEA05B36ACB1FEEC029AD7AA82AA8F32142F9E4823CBCE07B

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National Stage of an International Application under 35 U.S.C. 371

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PTO/AIA/32 (11-23)
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Docket Number (Optional): 14-PP-CON6

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Signature /Michelle Lisa/

Typed or printed name Michelle Lisa

First Named Inventor		
Shkedi, Roy		
Application Number	Filed	
17/401,052	08/12/2021	
For		
Providing collected profiles to media properties having specified interests		
Art Unit	Examiner	
3627	Michael J. Sittner	

Applicant hereby **requests an oral hearing** before the Patent Trial and Appeal Board in the appeal of the above-identified application.

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Telephone Number (480) 948-3295

Date March 12, 2024

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	17/401,052	Examiner	:	Sittner, M.
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via Patent Center on March 12, 2024

REPLY BRIEF ON APPEAL

Dear Sir:

Pursuant to 37 C.F.R. § 41.41, appellant submits this reply brief on appeal, in reply to the examiner's answer dated January 26, 2024.

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Argument

The examiner's answer withdraws a rejection under Section 101 (*Alice*), leaving only a rejection for obviousness based on a combination of Gilmour and Sathish and a rejection for obviousness-type double patenting that also uses Sathish. The examiner's answer does not justify either rejection.

I. The obviousness rejection based on Gilmour in view of Sathish is erroneous.

The examiner's answer does not rebut the myriad of problems with the Gilmour/Sathish obviousness rejection identified in the appeal brief. Like the examiner's answer, this reply brief proceeds to discuss the issues in the order of the appeal brief's lettered subparts. The examiner's answer does not dispute the observation in the appeal brief (*see* p. 15) that each point constitutes an independent reason for reversal, i.e., *any one* of the points is separately sufficient to justify reversal.

A. Primary reference Gilmour does not disclose a profile owner computer selecting a media property entity from among plural entities.

The appeal brief's Point A (p. 18, emphasis in original) contains the following summary:

> "In sum, Gilmour's system merely responds to the same entity that makes a request. There is *no selection of an entity* in Gilmour, much less selection based on the claimed *comparison*. Because the obviousness rejection relies on Gilmour alone (and not the other reference or the combination) for part (b)(i), the absence of disclosure in Gilmour is fatal to the rejection, and the Board should reverse for that reason alone."

Appeal brief Point A identifies the limitation of claim 34 accordingly not performed by Gilmour as part (b)(i) of claim 34, which specifies (emphasis added) that a profile owner computer must be "programmed to automatically *select a media property entity of a plurality of media property entities based on a comparison of (A) profile information* about a visitor …, with (B) *a plurality of stored requests* from the plurality of media property entities …."

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The examiner's answer does not dispute the appeal brief's explanations that (1) the rejection does not contend that the other reference in the combination, Sathish, performs any of these limitations, (2) the rejection identifies Gilmour's "profile service provider 34" as the entity purportedly doing the selection of one media property entity from many (via its server 22), (3) the selection in Gilmour would be a selection of the "requesting entity 50," and (4) the rejection identifies Gilmour's "profile service provider 34" also as the entity purportedly doing a *comparison* to select that entity.

The examiner's answer also does not dispute the table in the appeal brief at pages 15-16 summarizing the rejection's mapping of Gilmour to claim elements. The examiner's answer, further, does not dispute any of the claim interpretations summarized in the appeal brief at pages 5-7.

The examiner's answer (p. 3) argues, preliminarily, that the appeal brief "provides a narrow characterization of the teachings of Gilmour" but does not explain in what way that "characterization" is in any way wrong or excessively narrow. More specifically, the examiner's answer (p. 4) correctly quotes the appeal brief (p. 17) as explaining that "each time Gilmour received a request from a particular 'requesting entity 50,' the server 22 responds to that specific requesting entity." The examiner's answer does not dispute that summary "characterization" of how Gilmour's system works and of what the Gilmour reference teaches. Thus it appears that appellant and the examiner agree on how Gilmour's system works.

Instead, the examiner's answer (p. 4) simply *calls* Gilmour's "characterized" action as "Gilmour's 'selection,'" *asserts* that "Gilmour teaches selection of at least one 'requesting entity 50'" (which the examiner considers a "media property entity"), *says* that "Gilmour's 'Requesting Entity 50' is selected to receive a profile," and *contends* that "the third party requesting entity is therefore 'selected', from a plurality of such third party entities requesting various profiles." The examiner's answer (p. 3, emphasis added) further argues that "Gilmour also makes a decision about which of his

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requesting entities 50 are to receive requested profiles *by making the same comparison*" as appellant's specification. The examiner's answer (p. 4, see the examiner's use of "i.e." near the bottom of the page) identifies Gilmour's comparison as follows: "[T]he third party [requesting] entity [50 of Gilmour] had to request a profile of a user and a profile of a user of the type requested had to be available/stored; the profile being stored as result of user visiting a website using a device (e.g. computer)." The examiner's answer (p. 4, middle of the page) also points to Gilmour's reference (in Gilmour [¶0033, ¶0042]) to a *profile* being "selectively publish[ed] to third parties," where Gilmour's system sends a profile only "when the profile matches the type of profile requested by the third party 'requesting entity 50' … and the profile info of the user authorizes the third party 'requesting entity 50' to receive such profile info."

Contrary to the thrust of the examiner's answer, the now-agreed-upon way Gilmour's system works does not meaningfully equate to "automatic selection" *of the "requesting entity."* Simply *labeling* Gilmour's action a "selection" of an entity does not make it so. As the appeal brief explains (see p. 17, quoted above), and as the examiner does not dispute, Gilmour responds automatically to the same entity making a request: In Gilmour, when a *given* requesting entity 50—an entity already *known*, because it is a customer currently making a request—asks for profiles of a particular type, Gilmour's server matches *profiles* with the request, and checks if the profile information contains an authorization, and responds one way or another *to the known entity*. Such does not amount to *selecting an entity from among many such entities.*[1]

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[1] The examiner's answer (p. 4) also "highlights the fact" that "selection" of one "media property entity … is not recited as excluding 'selection' of other media property entities …." Appellant agrees that the language of claim 34 permits selection of one *or more* media property entities. But the examiner's answer does not explain how that "highlight[ed] fact" has any bearing on the rejection—the examiner does not argue and has never argued that Gilmour selects *multiple* media property entities.

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The examiner's answer also relies on Gilmour's two comments about "selective publication," but Gilmour thereby refers to a user approving or disapproving specific profile information for circulation. The appeal brief (p. 18, emphasis in original) explains that the examiner's arguments "confuse the selection *of profile information* for inclusion into the query result, with the claimed subject of selecting *a media property*, i.e., selection of the *entity* 'to whom the query result is to be sent.' Gilmour teaches the former but not the latter, as Gilmour selects profile information for a given entity but does not select an entity." Again, the examiner's answer does not dispute that explanation.

As for the contention in the examiner's answer that Gilmour's system and the claimed process work in the same way, that assertion is incorrect. In claim 34, the process at part (b)(i)(B) refers to a profile owner computer ("PO computer") that has "stored requests" from multiple "media property entities" for profiles of particular kinds, and, at part (b)(i)(A), claim 34 refers to that same PO computer being programmed to select a media property entity from among a plurality of such entities based on comparing the above-described stored requests with profile information about a visitor. In other words, the PO computer acts when a visitor electronically accesses electronic apparatus of a profile supplier using a first visitor device, and in response the PO computer selects a "media property entity." The appeal brief discusses that process at page 8, and the examiner's answer does not dispute that explanation. By contrast, Gilmour's system responds to a current request for profile information from a computer (of an entity that the examiner tries to map to the "media property entity") and returns certain profile information to that same entity.

The only other discernable argument in the examiner's answer about Point A is found on page 3, where the examiner's answer alleges that the appeal brief (p. 15) contends that certain citations to parts of Gilmour "have some 'significance' to this application" but "Appellant does not further elaborate what he means nor does he

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further illuminate how this 'significance' bears on the present claim mapping of the Final Rejection" or support the appeal brief's argument. Those examiner comments, however, severely mischaracterize the appeal brief. The sole reference to "significance" in the appeal brief (p. 15, emphasis altered) explains quite clearly that, "in the Parent, the examiner *conceded* that Gilmour does '*not teach all* of the features' for which the examiner now applies Gilmour. *See* para. 7 of 4/13/2021 Notice of Allowance in SN 16/425,259 (Parent)," and that the "instant obviousness rejection adds secondary reference Sathish only for" features *other* than the one under discussion, "so the *examiner's concession* in the Parent application has *significance*." In other words, the examiner's current rejection is inconsistent with the examiner's own conclusions in the Parent. The examiner's answer does not deny it. The Board should not be distracted by a mischaracterization of the appeal brief's notation of the inconsistency.

In sum, a first reason warranting reversal is because the examiner's answer does not refute the explanation in appeal brief Point A that Gilmour fails to disclose the selection of a media property entity from among a plurality based on the recited comparison.

B. Sathish does not disclose a tag used as a link to profile information in a database and does not disclose advertising (or causing ad-delivery), and there is no valid stated premise for combining Sathish with Gilmour.

Point B of the appeal brief (pp. 19-21) makes three points, all related to the secondary reference, Sathish. The examiner's answer contains several red herrings:

First, the examiner's answer (p. 6) denies the note in the appeal brief pointing out that the FOA had not disputed appellant's previous description of Sathish, quoted in the appeal brief at page 19. The examiner's answer calls the appeal brief's assertion "false" because the FOA labeled appellant's argument "not convincing," but there is no falsehood: Both the FOA and the examiner's answer completely fail to identify anything specific that appellant's description of Sathish got wrong. The examiner's answer (p. 6)

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says that appellant's description contained "narrow characterizations of the prior art of Sathish," but the examiner's answer does not identify any way in which any characterization by appellant of Sathish is *inappropriately* "narrow."

Second, the appeal brief (p. 20) explains that the rejection uses secondary reference Sathish to try to address parts (c) and (d) of claim 34, especially the limitations related to two associated devices. Specifically, the appeal brief there points out that the FOA "admits that Gilmour does not disclose any tag to a second visitor device" and thus must "rely on Sathish's supposed tag." The examiner's answer (p. 7) tries to deny this, arguing that the appeal brief "does not address the actual ground of rejection" because the FOA relies "upon a combination of teachings of Gilmour in view of Sathish, i.e. the techniques of Sathish are applicable to the known device/method of Gilmour." Despite that denial, the examiner's answer (pp. 7-9) continues to cite *Sathish*—not Gilmour—for elements (c) and (d) of claim 34; specifically the examiner's answer (p. 9) continues to cite *Sathish* as supposedly "directed towards using a multimodal profile [tag] to identify a second device of a user to which a specific mode of output of a multimodal application should be processed." Certainly, the rejection relies on a combination of two references, but the rejection relies on Sathish for the tag in question, and the rejection considers "Gilmour's 'cookie' (tag) [as] analogous to Sathish's 'multimodal profile' (tag) …."

Aside from the red herrings, the examiner's answer's attempted *substantive* responses to each of the three parts of appeal brief Point B all lack merit:

As to Point B.1, the appeal brief (p. 20) observes that Sathish does not disclose the "device code" (considered a "tag" in the rejection) as being "a link to access the profile information." Despite quoting that explanation, the examiner's answer (pp. 7-10) provides an extended discussion of parts (d) and (d)(1) of claim 34, but those comments obscure the examiner's response. The examiner's answer (p. 9) seems to argue that Sathish's "multimodal profile" as a whole constitutes a tag and acts as a link to Sathish's

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"composite profile" because Sathish discloses adding "user preferences of the subsequent device" (e.g., a keyboard) "to the Composite Capability Profile 480," which the examiner considers "accessing the profile information associated with the visitor stored in the database." The examiner's attempted explanation does not work, though.

As indicated in the appeal brief (p. 6, citations omitted), and, as not denied by the examiner's answer, the term "profile information" is properly construed as "any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral)." Sathish's "Composite Capability Profile 480" contains *device* information, specifically device capabilities or "user preferences" about customer devices, which is not "profile information" as properly construed. Accordingly, the examiner's answer's reliance on Sathish's supposed tag as allegedly linking to "profile information" does not meet the claim language.

Also, the examiner's answer (p. 9) newly considers Sathish's "multimodal profile" as a "tag," not as the information (profile information) to which a tag refers. Again, that cannot meet the claim language.

Observing that Sathish does not supply the missing element justifies reversal of the rejection, even though the rejection cites a combination of Gilmour and Sathish. As noted in appeal brief Point B.1, and, as not disputed by the examiner's answer, "*Gilmour* discloses a cookie 46 that identifies the individual 32 to the requesting entity 50" but "Gilmour does not discuss cookie 46 linking to any database storing profile information" either. Because it is apparent that *neither* Gilmour nor Sathish disclose a tag linking to profile information, the combination of the two references' teachings cannot disclose that element, and rejection therefore fails.

As to Point B.2, the appeal brief (pp. 20-21) explains that the FOA does not say how Sathish supposedly delivered electronic advertisements. The examiner's answer (pp. 8, 9, 10) tries to shore up that deficiency by newly citing a dictionary definition of "advertisement" as "a public notice" and alleging that "Sathish's output of content on a

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public multimodal website" fits that definition because it "constitutes a 'public notice.'" However, the argument is entirely strained. The examiner cites a link—presented for the first time in the examiner's answer—to a Merriam-Webster dictionary (at https://www.merriam-webster.com/dictionary/advertisement), but the new argument suffers from logical and evidentiary gaps:

1. The examiner's answer *truncates* the cited Merriam-Webster definition, thus omitting relevant context. As seen by clicking on the examiner's link, the definition (emphasis in original) states, "a public notice *especially*: a paid notice that is published or broadcast (as to attract customers or to provide information of public interest)."

2. The examiner's answer cites a *current* Merriam-Webster dictionary, whereas the law requires evidence of the meaning as of the effective filing date, which here is June 19, 2006. *See*, *e.g.*, MPEP 2111.01(III) (in establishing plain meaning: "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention ...") (citations omitted); *see also, e.g., Kopykake Enters., Inc. v. Lucks Co.*, 264 F.3d 1377, 1383 (Fed. Cir. 2001) ("[W]hen a claim term understood to have a narrow meaning when the application is filed later acquires a broader definition, the literal scope of the term is limited to what it was understood to mean at the time of filing.") (citation omitted); *Universal Oil Prods. v. Globe Oil & Ref. Co.*, 137 F.2d 3, 6 (7th Cir. 1943) ("[T]he meaning which the inventor gives to his words can not be made to depend upon subsequent events, but should appear when the application is filed.").

3. An "advertisement" is not *just any* "public notice" *whatsoever*. For example, the Federal Register contains public notices, but they are clearly not "advertisements." The assertion that publically available websites *might* contain some sort of "public notice" does not qualify all public websites as advertisements.

4. The newly proposed construction of "advertisement" as any "public notice" extends far beyond the bounds of reasonableness. *PPC Broadband, Inc. v. Corning*

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Optical Communications RF, LLC, 815 F.3d 747, 752 (Fed. Cir. 2016) (under BRI standard, "simply selecting the broadest definition" among various dictionaries "may result in the broadest definition [but] does not necessarily result in the broadest reasonable definition in light of the specification."). Other dictionaries—including ones dated before the relevant priority date—provide better context, such as Webster's New World College Dictionary (3d ed. 1997), which defines "advertisement" (emphasis added) as "a public notice or announcement, usually paid for, *as of things for sale, needs, etc.*," or the Collins English Dictionary (1st ed. 2006, reprinted 2008), which defines "advertisement" (emphasis added) as "public announcement *to sell goods or publicize an event*."[2]

5. The instant specification does not define "advertisement" *per se*, but it clearly distinguishes between an ad and a website, namely by clarifying that ads are delivered in "ad space" *within* a website (or in other media such as TV programs, etc.). *E.g.*, Spec., p. 5, lines 1-16. Such usage informs the construction, even under BRI. *See* MPEP 2111 ("The broadest reasonable interpretation does not mean the broadest possible interpretation. Rather, the meaning given to a claim term … must be consistent with the use of the claim term in the specification and drawings."); *see also, e.g., Kaneka Corp. v. Xiamen Kingdomway Grp. Co.*, 790 F.3d 1298, 1304-05 (Fed. Cir. 2015) (a term "may have more than one plain and ordinary meaning," and dictionary definitions

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[2] Copies of these dictionaries are available upon request. Because the examiner has cited a dictionary only in the examiner's answer, appellant has not had an opportunity to put rebuttal dictionaries into the record, but appellant does not wish to delay matters by reopening prosecution. The Board may wish to consult other dictionaries from a relevant time period.

Another *current* dictionary available online with a definition similar to the ones identified in the body of this reply brief is the Cambridge Dictionary, https://dictionary.cambridge.org/us/dictionary/english/advertisement, which defines "advertisement," in broadest context, as "a picture, short film, song, etc. that tries to persuade people to buy a product or service" or "a piece of text that tells people about a job, event, etc."

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need not be used when "the appropriate definition can be ascertained from the specification," even in the absence of a lexicographic definition). The interpretation newly proposed in the examiner's answer is *inconsistent* with the specification.

In short, the examiner's newly presented interpretation of "advertisement," which relies on a newly cited, anachronistic dictionary definition, as any and all "public notices" including all content of "a website" of any type, is clearly not the broadest *reasonable* interpretation. Applying any *reasonable* construction, "Sathish's output of content on a public multimodal website" (as characterized by the examiner's answer) does not disclose explicitly outputting advertisements specifically, and the examiner does not show that any Sathish-outputted website necessarily constitutes an "advertisement" as properly construed.

As to Point B.3, the appeal brief (p. 21, emphasis in original) explains,

> "An ordinarily skilled artisan at the time of the invention would not have thought to combine Sathish with Gilmour for the reason proffered by the FOA, because Sathish's 'multimodal profile' *has an entirely different purpose* from Gilmour's profile information. The purpose of Sathish's 'multimodal profile' is to identify different input devices and user preferences associated with those devices, whereas the purpose of Gilmour's profiles is to disseminate information about a user of the devices. There is no logical reason to assume that an ordinarily skilled artisan at the time of the invention would have used Satish's 'multimodal profile' in connection with causing delivery of advertisements using Gilmour's profile information, and the examiner has not identified any valid reason."

Point B.3 of the appeal brief (p. 21) proceeds to dispute the FOA's stated justifications to combine (*see* FOA p. 22), namely that the references are "analogous art" to each other and allegedly share UPC codes, pointing out that those arguments do not amount to an articulated rationale to make the combination. The examiner's answer largely discards

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the references to "analogous art" and UPC codes as supposedly supporting a motivation to combine.[3]

In attempting to respond to the appeal brief, the examiner does not dispute appellant's statements of the purposes of the two references. Instead, the examiner's answer (pp. 11-12, repeated on pp. 14-15) newly proffers a different reason to combine, arguing that Gilmour uses a cookie (a type of tag) to enable a website to track activities of an individual, while Sathish "teaches improved techniques for maintaining state and establishing sessions" that "makes use of a 'multimodal profile'," which the examiner says "performs the function of identifying a user/device, which is also a function which Gilmour [and] Appellant's" tags perform. In other words, the examiner's proposed rationale seems to suggest that Sathish discloses, in a sense, an improvement to methods of tagging individuals to extend the tagging to different devices.

The examiner's new reasoning is flawed. Sathish's "multimodal profile" does not "perform the function of identifying a *user*" so as to correlate one device with a different device of the same user. The examiner's answer deploys a slash in "user/device" to conceal that gap. Rather, Sathish's "multimodal profile" contains a list of *devices* (such as a keyboard or a speech-recognition device) associated with a *given* user ID, and various "user preferences" for each device; thus Sathish's system has no need to *identify* a user and has no need to correlate devices with one another. So, Sathish does not use the "multimodal profiles" to perform the act as claimed of "*identifying* a *second* visitor device" associated with a single user of a first device (claim 34, part (c)).

Moreover, certain examiner admissions, made when withdrawing the Section 101 rejection, belie the examiner's efforts to articulate a rationale for combining the two

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[3] At one place, though, the examiner's answer (p. 15) directly repeats the FOA's assertions about UPC codes of Gilmour and Sathish. The appeal brief (pp. 24-25) refutes those factual assertions in depth, yet the examiner's answer presents no answer to the points made. Simply repeating debunked allegations does not make them true.

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references. The examiner's answer (p. 15) admits that "the examiner determines that the combination of steps as claimed gather data in an unconventional way and, therefore, [claim 34] provides an 'inventive concept,' …." Such examiner admissions that claim 34 recites an "unconventional" process and recites an "inventive concept" further support appellant's explanations that an ordinarily skilled artisan at the time of the invention would *not* have thought to combine Sathish with Gilmour to achieve the unconventional and inventive process now claimed.

In sum, it is undisputed that the purposes of Sathish and Gilmour differ from one another, and the examiner's newly articulated rationale for combining the two references (having essentially abandoned the UPC code argument) does not make logical sense and flies in the face of the examiner's admissions that the claimed invention is "unconventional" and contains an "inventive concept."

Any of the three identified gaps in the use of Sathish suffice to reverse the obviousness rejection: As shown in B.1, Sathish does not disclose a tag linking to profile information; as shown in B.2, Sathish does not deliver electronic advertisements; and as shown in B.3, the examiner's articulated rationale for combining the two references makes no sense.

C. <u>Sathish is non-analogous art to the claimed invention.</u>

The appeal brief (pp. 22-24) explains why Sathish is not analogous art to the claims and notes that the FOA had not identified any reason why it was.

The examiner's answer (p. 13, emphasis added) argues that "the techniques of Sathish are pertinent and applicable to the known base device/method *of Gilmour*." Again, that argument is off-point, because the question is whether a prior art reference like Sathish is "analogous art *to the claimed invention*" either because it "is from the same field of endeavor as *the claimed invention*" or "reasonably pertinent to the problem faced by the *inventor*." *See* appeal brief, p. 22 (citations omitted).

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The examiner's answer all but admits that Sathish is not in the same field of endeavor as the claimed invention but advocates for the second branch of the test, and that branch only. *See* pp. 12-13 (emphasis added) ("it has been demonstrated … in the Final Rejection (pgs. 21-22) how both references (Sathish and Gilmour) are reasonably pertinent to the problem faced by the inventor/ Appellant (*even if they are not classified in the same field of endeavor as the claimed invention*) …."

As to the second branch of the test, pages 21-22 of the FOA contain allegations of similarities between Sathish *and Gilmour* and do not purport to show anything about Sathish being "reasonably pertinent to the problem faced *by the inventor/ Appellant*." Thus, the citation in the examiner's answer to the FOA does not salvage the rejection.

The examiner's answer (p. 13) proceeds to argue the second branch of the test by contending that, according to the rejection, Sathish "is found to teach" certain "features" admittedly missing from Gilmour "and therefore is also reasonably pertinent to the problem faced by the Appellant." However, that argument is flawed, and accepting such "logic" would entirely negate the rules about non-analogous art. In every instance where a court or the Board reverses a rejection for non-analogous art, indeed, the disqualified art reference discloses a feature missing from the rest of the combination. If a reference in question had not disclosed a missing feature, after all, there would have been no reason to include it in an obviousness combination. It cannot be accepted, therefore, that a reference is "reasonably pertinent to the problem faced by the inventor" *merely because* the examiner alleges that the reference discloses part of a claimed combination. Yet that is the only argument the examiner proffers as to why Sathish is supposedly pertinent to a problem faced by this inventor.

In the appeal brief (p. 23), appellant shows that the instant specification identifies (at 8:21-10:17) a number of "possible challenges," i.e., problems faced by the inventor, and the appeal brief explains that Sathish is not at all "pertinent" to any of those challenges or issues. The examiner's answer does not dispute those facts. The FOA, like

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the examiner's answer, does not refute appellant's identification of what problems the inventor faced and does not contend that Sathish is pertinent to any of those problems.

Because Sathish meets *neither* of the two alternative tests, Sathish is non-analogous art to claim 34, and Sathish cannot be used in a combination with the primary reference Gilmour to support a finding of obviousness. As indicated, the rejection uses Sathish in an effort to "piece together" the invention and cites non-analogous art, thus using impermissible hindsight. *See* appeal brief, pp. 23-24.

D. <u>Conclusion as to prior art: The elements missing from the prior art allow the claimed invention to achieve significant advantages</u>.

The examiner's answer (p. 13) alleges that appellant's assertions "fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references." That examiner allegation is entirely untrue. The appeal brief's conclusion, Part D, at page 26 (emphasis in original), explicitly discussed particular claim language, as follows:

> "In particular, neither Gilmour nor Sathish teach a 'profile owner computer' programmed—as specified in claim 34, part (b)—to select a media property out of a plurality of media properties based on a comparison using stored media property requests and to arrange for electronic delivery of a requested profile to the selected media property's computer system, as a result of which (per claim 34, part (a)) profile information is stored in a database associated with the selected media property's computer system.
>
> "Because *neither* reference discloses the claimed selection based on comparing, at least part (b)(i) is missing from the *combination*. Nothing about the combination would add a selection act missing from both of the combined references considered individually.
>
> "As a consequence, neither Gilmour nor Sathish teach the specially and unconventionally programmed profile owner computer of part (b) of claim 34. And it follows that the hypothesized combination cannot meet claim 34, part (a) either, because part (a) requires receipt of data 'from a profile owner computer,' which is defined in part (b).

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> "Furthermore, claim 34 part (d) requires that the computer system of the selected media property (i) use the tag to access linked profile information and (ii) use that profile information to cause delivery of an advertisement, and part (d) of claim 34 also specifies that such action occurs 'later,' i.e., after the profile information associated with a visitor is stored as mentioned in claim 34, part (a). The rejection refers to the requesting company in Gilmour, which does not cause delivery of any advertisement 'later' as claimed. And Sathish does not disclose any 'advertisement' at all. Thus, the combination lacks the limitations of part (d) as well."

Furthermore, the examiner's answer does not refute the appeal brief's point (p. 27) that the identified "differences are not mere nuances or details" and that they afford "the claimed invention … significant advantages." Indeed, the examiner's answer (p. 15) withdraws the Section 101 rejection because "the examiner determines that the combination of steps as claimed gather data in an unconventional way and, therefore, [claim 34] provides an 'inventive concept,' …."

For any of the above reasons, the PTO should not consider the "unconventional" invention claimed by the pending claims, which has "significant advantages" over prior art (including the cited references), as obvious in any way. This flawed rejection should be reversed.

II. <u>The double-patenting rejection is defective for parallel reasons</u>.

The double-patenting rejection depends on combining Grandparent U.S. Patent 10,984,445 with Sathish. Because Sathish is not analogous art to the claimed invention, for the reasons shown in Part I.C above, the Board should reverse this rejection too. The examiner's answer seems to agree that the obviousness and double-patenting rejections are parallel in that sense. The Board should decide the "analogous art" question even if another reason for reversing the obviousness rejection seems apparent.

The examiner's answer (p. 15) further asserts that the appeal brief "does not refute" the supposed "fact" that "Sathish teaches the features which are lacking" in the Grandparent patent claims. However, that is not true either, because the appeal brief

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(pp. 20-21), at Points B.1 and B.2, identifies specific reasons why Sathish does not teach certain claim elements of the instant claims, which are the very same elements that the double-patenting rejection admits the Grandparent patent's reference claims lack. Accordingly, accepting either Point B.1 or Point B.2 requires reversing this rejection too.

III. Conclusion

In sum, the invention defined by pending claim 34 is non-obvious. Appellant therefore deserves reversal of both remaining rejections, clearing the way for allowance of this application and grant of a patent.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: March 12, 2024

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Page 526

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6	9730

26362 7590 03/18/2024

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
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Scottsdale, AZ 85260

EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
03/18/2024	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
dsalavi@northwestpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHKEDI

Appeal 2024-001881
Application 17/401,052
Technology Center 3600

APPEAL DOCKETING NOTICE

The Patent Trial and Appeal Board received the appeal in the above-identified application from the Technology Center on March 14, 2024, and has assigned it the appeal number indicated above.

The recipient of this notice is reminded of its ongoing duty, within 20 days of any change during the proceeding, to update its mandatory notices to identify the real party-in-interest and each judicial or administrative proceeding that could affect, or be affected by, the Board proceeding. 37 C.F.R. § 41.8. For example, another docketed appeal in a related application may have the potential to affect, or be affected by, the Board proceeding.

In all future communications regarding this appeal, please include both the application number and the appeal number. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above. The mailing address for the Board is:

PATENT TRIAL and APPEAL BOARD
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

If you are interested in seeking expedited treatment for this appeal via the Board's Fast-Track Appeals Pilot Program, please consult our website at https://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program or the Federal Register Notice at https://www.federalregister.gov/documents/2020/07/02/2020-14244/fast-track-appeals-pilot-program for more information on how to participate and which appeals qualify.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6	9730

26362 7590 09/30/2024

LOUIS J. HOFFMAN, P.C.
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EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
09/30/2024	ELECTRONIC

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Louis@valuablepatents.com
donald@valuablepatents.com
dsalavi@northwestpatent.com

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PATENT TRIAL AND APPEAL BOARD

LOUIS J. HOFFMAN,
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85260

Appeal No:	2024-001881
Appellant:	ROY SHKEDI
Application No:	17/401,052
Hearing Room:	Alexandria: Room B
Hearing Docket:	Business Methods
Hearing Date:	Tuesday, December 17, 2024
Hearing Time:	1:00 PM ET
Location:	**Madison Building - East Wing** **600 Dulany Street, 9th Floor** **Alexandria, Virginia** **22313-1450**

NOTICE OF HEARING - ALEXANDRIA, VIRGINIA
RESPONSE REQUIRED WITHIN 21 DAYS

The Patent Trial and Appeal Board (PTAB) will hear the above-identified appeal on the date indicated. The hearing will commence at the time set, and as soon as the argument in one appeal concludes, the succeeding appeal will be taken up. The time allowed for argument is 20 minutes, unless additional time is requested and approved before the argument commences. If the application involved in this appeal has been published, the hearing will be open to the public.

Hearing Attendance Confirmation or Waiver

Appellant is required to confirm attendance at the hearing or waive the hearing within 21 days of the mailing date of this notice. Appellant may confirm or waive attendance by completing the "APPELLANT RESPONSE TO NOTICE OF HEARING" and returning it to the PTAB.

Options for Hearing Attendance

If Appellant opts to attend the hearing, Appellant may appear in-person, by video, or by telephone. In Appellant's response to the NOTICE OF HEARING, Appellant should indicate the manner in which Appellant will appear for the hearing.

If Appellant is no longer interested in having a hearing, then Appellant must file a waiver of the hearing with the PTAB. This allows the panel of Administrative Patent Judges assigned to the appeal to act promptly on the appeal without waiting for the hearing date.

If Appellant fails to respond to this NOTICE OF HEARING, the PTAB will issue a decision on the briefs based on the written record.

In-Person Hearing Attendance

The hearing will take place at the location specified in the header, however Appellant may request to appear at a hearing room in the USPTO Alexandria headquarters or a hearing room or conference room in one of the USPTO regional offices located in (1) Detroit, Michigan; (2) Dallas, Texas; (3) Denver, Colorado; and (4) San Jose, California. The PTAB attempts to grant all hearing location requests, subject to space availability

Usage of a hearing room or a conference room in the USPTO Alexandria headquarters or one of the regional offices is not guaranteed until confirmed by the PTAB. In the event the request cannot be granted, then Appellant is responsible for proposing an alternate option, such as selecting a different USPTO location, by telephone, or by video, which is subject to approval by PTAB.

Appellant's selection and the PTAB's approval to utilize a hearing room or a conference room other than that of the designated hearing location does not guarantee that an Administrative Patent Judge assigned to the appeal will be physically present at that location, and the hearing itself may be conducted via video..

Remote Video Hearing Attendance

Appellant may participate in a hearing by video at a location other than the USPTO Alexandria headquarters or a regional office. Appellant will receive an Order detailing the video hearing instructions.

Telephonic Hearing Attendance

Appellant may participate in a hearing by telephone. Appellant will receive an Order detailing the telephonic hearing instructions.

Remote Viewing Request

Members of the public may request to remotely view this oral hearing. If resources are available, the Board generally expects to grant such requests.

In addition to remote viewing of an oral hearing, the USPTO Alexandria headquarters and the USPTO regional office locations in (1) Detroit, Michigan; (2) Dallas, Texas; (3) Denver, Colorado; and (4) San Jose, California are generally available for any member of the public to view a hearing, subject to room availability and advance coordination with the PTAB.

If Appellant objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five business days prior to the oral hearing date.

Legal Experience and Advancement Program

The Board has established the "Legal Experience and Advancement Program," or "LEAP," to encourage advocates before the Board to develop their skills and to aid in succession planning for the next generation. The Board defines a LEAP practitioner as a patent agent or attorney having three (3) or fewer substantive oral arguments in any federal tribunal, including PTAB. Whether an argument is "substantive" for purposes of determining whether an advocate qualifies as a LEAP practitioner will be made on a case-by-case basis with considerations to include, for example, the amount of time that the practitioner argued, the circumstances of the argument, and whether the argument concerned the merits or ancillary issues.

Appellants are encouraged to participate in the Board's LEAP program. Appellant may request that a LEAP practitioner participate in the program and conduct at least a portion of the oral argument. In exchange, the Board will grant up to fifteen (15) minutes of additional argument time, depending on the length of the proceeding and the PTAB's hearing schedule. Appellant should submit a request and LEAP verification form no later than at least five (5) business days before the hearing, by email to the Board at PTABHearings@uspto.gov. A combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form is available on the LEAP website, www.uspto.gov/leap.

A LEAP practitioner may conduct the entire oral argument or may share time with other counsel, provided that the LEAP practitioner is offered a meaningful and substantive opportunity to argue before the Board. Appellant has the discretion as to the type and quantity of oral argument that will be conducted by the LEAP practitioner. Moreover, whether the LEAP practitioner conducts the argument in whole or in part, the Board will permit more experienced counsel to provide some assistance to the LEAP practitioner, if necessary, during oral argument, and to clarify any statements on the record before the conclusion of the oral argument. Importantly, the Board does not draw any inference about the importance of a particular issue or issues, or the merits of Appellant's arguments regarding that issue, from the Appellant's decision to have (or not to have) a LEAP practitioner argue.

In instances where an advocate does not meet the LEAP eligibility requirements, due to the number of "substantive" oral hearing arguments, but nonetheless has a basis for considering themselves to be in the category of advocates that this program is intended to assist, the Board encourages argument by such advocates during oral hearings. Even though additional argument time will not be provided in such circumstances, as with LEAP, an Appellant may request to share time with counsel and the Board will permit more experienced counsel to provide some assistance, if necessary, during oral argument, and to clarify any statements on the record before the conclusion of the oral argument.

As always, all practitioners appearing before the Board shall demonstrate the highest professional standards. All practitioners are expected to have a command of the factual record, the applicable law, and Board procedures, as well as the authority to commit the party they represent. The Board discerns that it is often LEAP practitioners who have the best understanding of the facts of the case and the evidence of record, and the Board encourages their participation. Examples of the issues that a LEAP practitioner may argue include claim construction argument(s), or patentability argument(s) including, e.g., analyses of prior art or objective indicia of non-obviousness.

Special Requests

If Appellant has any special requests related to appearing at the oral hearing, Appellant should inform the PTAB. Special requests may include accommodations for deaf or hard-of-hearing individuals and blind or low vision individuals. Additionally, Appellant may assist the PTAB by indicating ways to accommodate the special requests. The PTAB will make every effort to accommodate the special requests in the manner suggested by Appellant.

Submission of Appellant's Demonstratives

Demonstrative exhibits are neither required nor expected, but Appellant may use them to assist in the presentation of its case. If Appellant has any Power Point slides or other demonstratives, they must be submitted for inclusion into the record at least ten (10) business days before the hearing date by submitting them through the USPTO Patent Center available at https://patentcenter.uspto.gov. If demonstrative exhibits are provided, they must not include any information not previously made of record in this proceeding, and the Board will refuse to allow the use of demonstrative exhibits that do not comply with this requirement. *See, e.g.,* 37 C.F.R. § 41.47(e)(1), (2). In addition, a party must clearly mark all demonstratives with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE" in the footer.

Submission of Appellant's Response to the Notice of Hearing*

To return a completed APPELLANT RESPONSE TO NOTICE OF HEARING, Appellant may use one of the following transmittal methods:

1. By the USPTO Patent Center, available at https://patentcenter.uspto.gov
2. By USPS first class mail to the PTAB mailing address:
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   United States Patent and Trademark Office
   P.O. BOX 1450
   Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal number along with the underlying application number.

Questions

For further information about hearings, see 37 CFR § 41.47 and the Hearings section of the PTAB webpage: http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/hearings. Also, for questions, please contact the PTAB Hearings Clerk at 571-272-9797.

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LOUIS J. HOFFMAN,
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7689 East Paradise
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Suite 2
Scottsdale, ARIZONA
85260

Appeal No:	2024-001881
Appellant:	ROY SHKEDI
Application No:	17/401,052
Hearing Room:	Alexandria: Room B
Hearing Docket:	Business Methods
Hearing Date:	Tuesday, December 17, 2024
Hearing Time:	1:00 PM ET
Location:	**Madison Building - East Wing** **600 Dulany Street, 9th Floor** **Alexandria, Virginia** **22313-1450**

APPELLANT RESPONSE TO NOTICE OF HEARING

Appellant responds to the NOTICE OF HEARING in the above-identified appeal.

Hearing Attendance Options (please select one)

( ) I elect an IN-PERSON hearing and will appear at a hearing room in the following USPTO office:

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( ) DALLAS, TX - 207 South Houston Street
( ) SAN JOSE, CA – 26 S. Fourth Street
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( ) DENVER, CO – 1961 Stout Street

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( ) I elect a TELEPHONIC hearing.

( ) I WAIVE the hearing.

( ) I am requesting to RESCHEDULE the hearing. **A separate paper must be filed.**

Conflicts

To aid the judges assigned to the appeal in determining whether any conflicts exist that may require a recusal, please list the names of any additional person(s) who will be participating in the oral hearing and their affiliation with Appellant.

_____

_____

Special Requests

If Appellant has any special requests related to appearing at the oral hearing, please list those requests. Special requests may include accommodations for deaf or hard-of-hearing individuals and blind or low vision individuals. For any special request, please indicate any ways that the PTAB may accommodate the special request.

_____

_____

For any questions regarding Appellant's response to the NOTICE OF HEARING, Appellant may be reached via the contact information provided below.

Typed or Printed Name of Attorney/Agent/Appellant	Registration No.
E-Mail address	Phone number
Signature of Attorney/Agent/Appellant	Date

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For any questions regarding Appellant's response to the NOTICE OF HEARING, Appellant may be reached via the contact information provided below.

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Typed or Printed Name of Attorney/Agent/Appellant	Registration No.
Louis@valuablepatents.com	(480) 948-3295
E-Mail address	Phone number
/Louis J. Hoffman/	10/17/2024
Signature of Attorney/Agent/Appellant	Date

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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/401,052	**10/17/2024 09:06:26 PM Z ET**	**14-PP-CON6**

Title of Invention

Providing collected profiles to media properties having specified interests

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	-
CONFIRMATION #	9730	FILED BY	Michelle Lisa
PATENT CENTER #	67621283	FILING DATE	08/12/2021
CUSTOMER #	26362	FIRST NAMED INVENTOR	Roy Shkedi
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	Louis Hoffman

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
24-10-17-PP-CON6-ConfirmHearing.pdf	2	Confirmation of Hearing by Appellant	1761 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
24-10-17-PP-CON6-ConfirmHearing.pdf	C12100C00F4F9348BC2F890EA183E5535FDF647BBE91D125E2C5FDF1F6001C14BF5334266F9E688E4C8C8928B2A95D9E1414DFA92FB6D7D7CE0C0E9CD936891A

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/401,052	**12/03/2024 06:45:51 PM Z ET**	**14-PP-CON6**

Title of Invention

Providing collected profiles to media properties having specified interests

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	-
CONFIRMATION #	9730	FILED BY	Louis Hoffman
PATENT CENTER #	68209889	FILING DATE	08/12/2021
CUSTOMER #	26362	FIRST NAMED INVENTOR	Roy Shkedi
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 2

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
24-12-03-DAT-PP_CON6-LtrTransOralArgDemonstratives.pdf	1	Transmittal Letter	435 KB
24-12-17-DAT-PP_CON6-OralHgSlides.pdf	16	Affidavit/Declaration/ Exhibit After Notice of Appeal	3259 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
24-12-03-DAT-PP_CON6-LtrTransOralArgDemonstratives.pdf	CA3D1940E34A41D2484C30BEDCEF6FBF5AD96D67E0CA36C6ADBF454EE21FAAF6EC14C8F12358537BFA269AEC1A8D419A9EB07E39046FB3B3C491C327943EEE9F

24-12-17-DAT-PP_CON6-OralHgSlides.pdf

3A544D37E29C780339F00884E783206D33A8AD1279D70D2468F5341DD8708BE8692A0DF5CDD9CB0EBA70B29B215E4EEAF2AAEBD4386458F59CF2115335A86ED6

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Appeal No.	:	2024-001881
Serial No.	:	17/401,052	Examiner	:	Sittner, Michael J.
Filing Date	:	08/12/2021	Conf. No.	:	9730
Title	:	Providing collected profiles to media properties having specified interests			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via Patent Center on December 3, 2024

TRANSMITTAL OF DEMONSTRATIVES FOR ORAL ARGUMENT

Dear Sir:

Appellant submits the attached demonstrative exhibits for use during the December 17, 2024, appeal hearing in this matter.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: December 3, 2024

/Louis J. Hoffman/
Louis J. Hoffman
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Oral Argument re: Providing Profiles

Roy Shkedi, Datonics, LLC

Serial No. 17/401,052

Louis J. Hoffman, Dec. 17, 2024

Appeal No. 2024-001881

Claim 34: Primary elements missing from combined references

34. A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;

A

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and

(ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);

(c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was received from the profile owner computer in accordance with part (a); and

B.1

(d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

B.2

Overview of invention (claim 34)

- Media Property entity (MP) computer stores in a database information about a visitor, received from specially programmed Profile Owner (PO) computer
- PO computer:
  - Has stored requests for specific profiles (or categories) for multiple "media property entities" (MP)
  - Selects a particular MP from plural MPs by comparing profile info about a visitor using Visitor Device #1 to stored requests from MPs
- Selected MP computer uses personally identifiable information (PII) about the visitor to identify a Device #2 of same visitor
- Later, MP computer uses tag associated with Device #2 as a link to access profile info, and uses linked profile info to cause targeted ad delivery when Device #2 is available to receive an ad

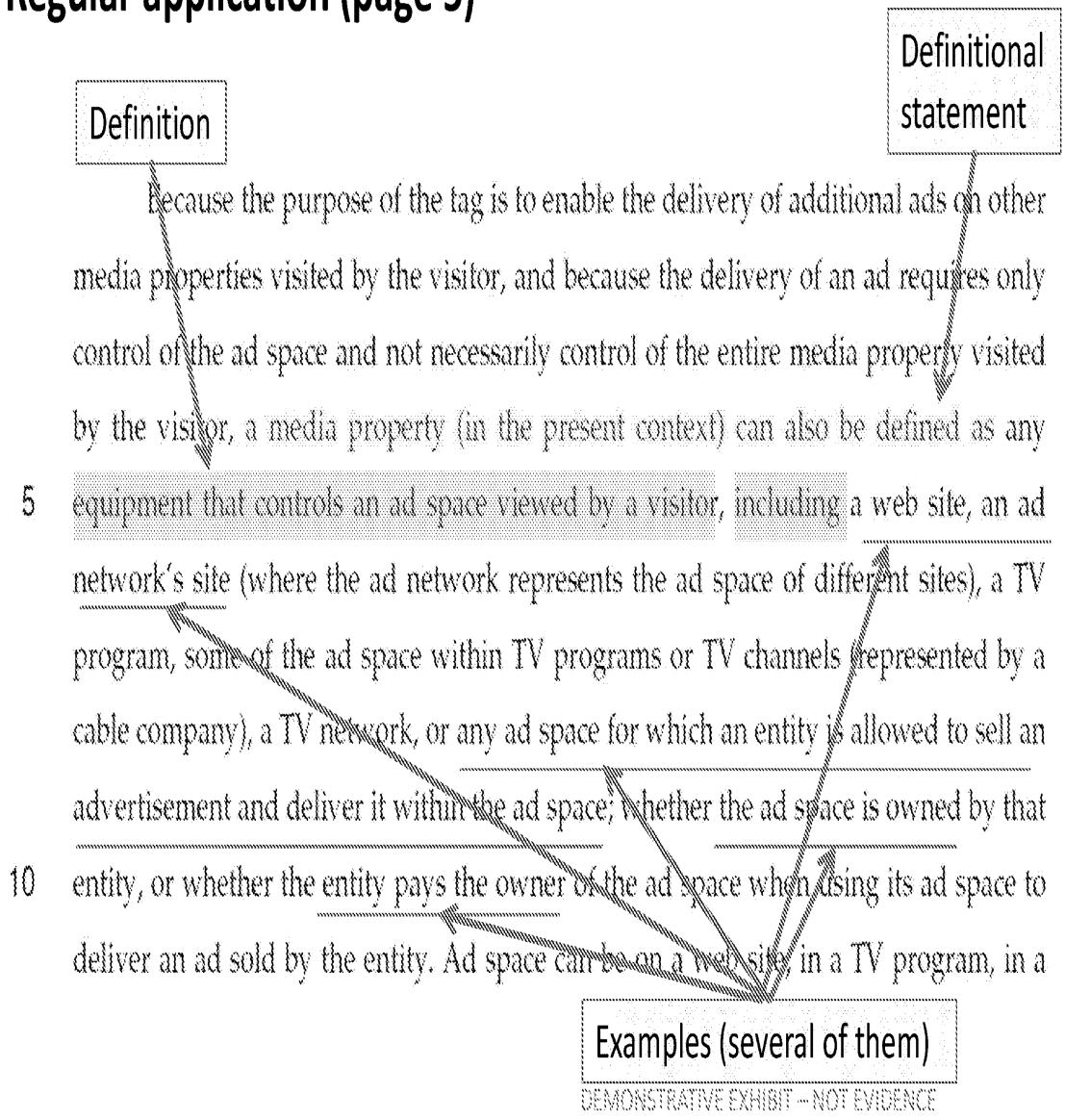
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Construction of claim terms

Appellant proposal	Examiner proposal
Media property entity: An entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 5:17-18.	**Media property entity:** {Examiner does not contest appellant's construction (found at AB, p. 6)}
Profile information: any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral). 3:2, 3:6.	**Profile information:** {Examiner does not contest appellant's construction (found at AB, p. 6)}
Advertisement: ordinary meaning; examiner's proposal is unreasonably broad. (*Combining dictionaries – see RB, pp. 8-11 – yields:* a public notice or announcement, within a website or other media, usually paid for, about things for sale, needs, or events.)	**Advertisement:** A public notice (first proposed in EA, pp. 8-10).

Explicit definition of "media property"

Regular application (page 5)



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Explicit definition of "media property"

Regular application (page 5, continued)

Clarifying example

In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

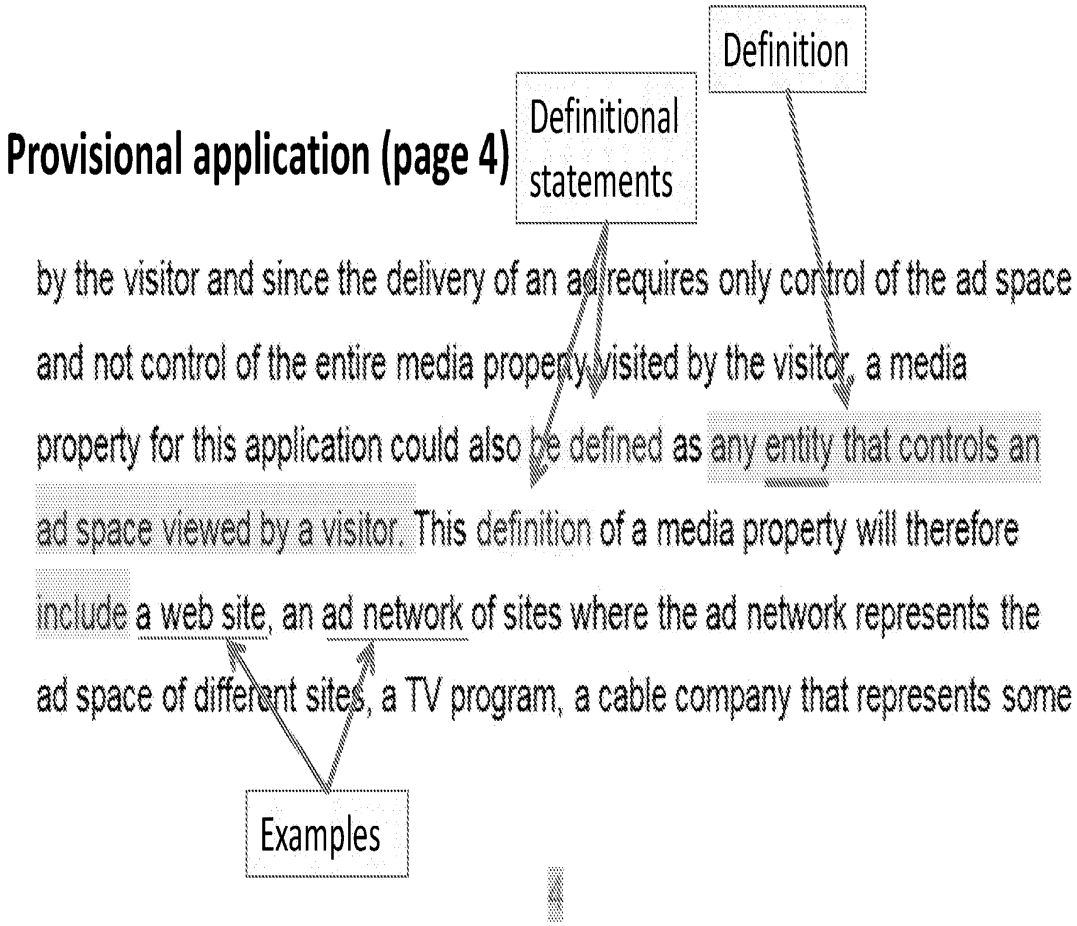
Definition repeated and applied to that example (similar language found in provisional, middle of p. 5)

...work to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site. Once the site redirects the ad space on the page to the ad network so the ad network could fill the ad space with an ad sold by the ad network, the ad network controls the ad space, has access to the visitor viewing the ad space that was redirected to the ad network by the site and therefore the ad network is considered a media property as it controls an ad space viewed by a visitor.

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Relevant to "media property entity"

Provisional application (page 4)



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Point A: Gilmour does not disclose selecting a media property (MP) entity from among plural entities based on comparison of profile info to stored MP requests

- *Claim term*: "wherein the profile owner computer is programmed (i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor …, with (B) a plurality of stored requests from the plurality of media property entities …" [Claim 34, subpart (b)(i)]
- Rejection is Gilmour in view of Sathish
  - Examiner argues Gilmour discloses this element (doesn't argue Sathish does).
  - Argues Gilmour's profile service provider 34/server 22 = "profile owner computer"; Gilmour's entity 50 = selected media property entity; and Gilmour's queries 58 = "stored requests."
- **But** Gilmour does not disclose this element (*see* ¶¶[0050, 58, 80]):
  - No ***selection*** of a media property entity; Gilmour *selects profile information,* and simply returns it to a given "requesting entity" 50 making a request.
  - No selection ***based on*** comparison of profiles to stored requests; Gilmour responds to queries *after* a given entity 50 connects to provider 34's server.

Point B.1: Sathish does not disclose a tag used as a link to profile information about a visitor

- *Claim term*: "using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database …" [Claim 34, subpart (d)(i)]
- Examiner argues (unclearly) that Sathish discloses this element
  - Unclear, but examiner *seems* to argue: Sathish's multimodal profile = "tag"; and "Composite Capability Profile 480" = "profile info." FOA, p. 21; EA, p. 8.
  - Examiner does not contend that Gilmour discloses this element despite arguing Gilmour's cookie 46 is "analogous to Sathish's 'multimodal profile'"; cookie 46 (*see* ¶[0039]) is not associated with any *second* visitor device.
- **But** Sathish does not disclose this element:
  - Not clear that "multimodal profile" is a tag; it contains a user ID, info about "capabilities" of a customer accessing device (e.g., a keyboard) and "user preferences"; system uses it "to create" 480 (*see* ¶¶[0045, 52]).
  - "Composite Capability Profile 480" does not seem to contain "profile information" about visitor; it instead "catalogs these capabilities and preferences" – about "all devices participating in the session" – "as well as a unique session ID" (*see* ¶¶[0045, 47, 52, 58]).

Point B.2: Sathish does not deliver electronic advertisements

- *Claim term*: "using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device …" [Claim 34, subpart (d)(ii)]
- Examiner argues that Sathish discloses this element
  - Examiner newly clarifies argument: "Sathish's output of content on a public multimodal website" is a "public notice," which is how the examiner construes "advertisement." EA, p. 8-10.
  - Examiner does not contend that Gilmour discloses this element.
- **But** Sathish does not disclose this element:
  - Sathish simply discloses that users of his system might be "browsing a multimodal website" (*see* ¶¶[0002, 32-33, 55, 62, 66]), but *Sathish's* system does not cause delivery of any content of the website.
  - Sathish does not expressly disclose delivery of an advertisement on any website, and it is not inherent, as websites may or may not contain ads.
  - "Public notice" is an unreasonably broad construction of "advertisement," *esp*. given Spec (*e.g.*, 5:1-16) distinguishes ads from webpage content.

Point B.3: Sathish does not combine with Gilmour

- References have different purposes:
  - Sathish's alleged "profile information" identifies different input *devices* (e.g., keyboard, voice input device) and user preferences associated with those devices.
  - Gilmour's profiles disseminate information about a device's *user*.
- Examiner comments do not provide any logical articulation of a rationale to combine:
  - Examiner argument 1: References are "analogous art" to one another. FOA, p. 22. But mere analogous nature, even if true (and it is not), is not a rationale to combine references.
  - Examiner argument 2: References are "in same field of endeavor" because share UPC codes. FOA, p. 22. But mere shared UPC classes, even if true (and it is not), is not a rationale to combine references.

Sathish does not combine with Gilmour (*cont'd*)

- Examiner argument 3 (new; EA, pp. 11-12): Gilmour uses a cookie (a type of tag) to enable a website to track activities of an individual, while Sathish "teaches improved techniques for maintaining state and establishing sessions" that "makes use of a 'multimodal profile'," which the examiner says "performs the function of identifying a user/device, which is also a function which Gilmour" tags perform.
- Rebuttal: Sathish's "multimodal profile" does not *identify* a *user* (and has not need to do so) because it contains a list of devices (such as a keyboard or a speech-recognition device) associated with a *given user ID in a given session* (and various "user preferences" for each device).

- Examiner admission supports conclusion that references would *not* have been combined: "[T]he examiner determines that the combination of steps as claimed gather data in an unconventional way and, therefore, [claim 34] provides an 'inventive concept' …." EA, p. 15.

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Point C: Sathish is non-analogous art to the claimed invention

- Two alternate ways to show a reference is "analogous art":
  - Reference is from the same field of endeavor as *the claimed invention;* or
  - Reference is reasonably pertinent to the problem faced by the *inventor*.
- Examiner argues second way but not first (EA, pp. 12-13: "… even if they [Gilmour and Sathish] are not classified in the same field of endeavor as the claimed invention …"):
  - Examiner argument 1: References are "analogous" to each other because (a) "the techniques of Sathish are pertinent and applicable to the known base device/method of Gilmour," EA, p. 13, and they share UPC subclasses (although untrue, *see* AB, pp. 24-25. FOA, p. 22. But this is irrelevant; the standard compares Sathish to "problem faced by inventor," not to Gilmour.
  - Examiner argument 2: Sathish "is found to teach" certain "features" admittedly missing from Gilmour "and therefore is also reasonably pertinent to the problem faced by the Appellant." EA, p. 13. But this is not a reason, because *all* secondary references teach missing features.

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Sathish is non-analogous art (*cont'd*)

- Problems faced by the inventor – "possible challenges" (disclosed in specification at 8:21-10:17):
  - Specification summary says inventors addressed those problem/challenges by developing a "more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement"
  - Sathish's disclosure is not at all "pertinent" to any of those issues. Sathish does not even contain the words "advertise" or "advertisement" or "behavior" or "target" (or any variants).
- Sathish would not have "commended itself to an inventor's attention in considering his problem," and there is no reason "why an inventor seeking to solve the identified problem would have looked to [Sathish] in an attempt to find a solution to [any] problem." *See* MPEP 2141.01(a)(I).
- Rejection uses Sathish in an effort to "piece together" the invention by addressing an element admittedly missing from the primary reference, using impermissible hindsight.

Obviousness-type double-patenting rejection relies on non-analogous art (Sathish)

- Rejection modifies U.S. Patent 10,984,445 (Grandparent) with Sathish
- As Sathish is not analogous art to claimed invention, this rejection fails too

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Significant advantages of claimed invention over cited combination

- A selected media property (MP) entity has expressed interest in a profile or type of profile
- MP receives profile data, specifically from the specially programmed profile-owner (PO) computer system
- PO computer system obtained the profile data by virtue of a visitor who electronically accessed equipment of a profile supplier through a *first* device
- MP hopes that its computer system will encounter a *different* device of the *same* visitor *later* and cause delivery of a targeted ad
- If that happens, when a *second* visitor device later becomes available to receive an advertisement, MP can use a tag as a link to access profile info for visitor and use linked profile info to cause delivery of a targeted ad to the visitor via the *second* visitor device
- Ad can thus be based on the *previously* received *first*-device-sourced profile data

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17/401,052	08/12/2021	Roy Shkedi	14-PP-CON6	9730

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHKEDI

Appeal 2024-001881
Application 17/401,052 [1]
Technology Center 3600

Before ANTON W. FETTING, JOSEPH A. FISCHETTI, and NINA L. MEDLOCK, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 34–51. We have jurisdiction under 35 U.S.C. § 6(b).

A hearing was held on December 17, 2024.

SUMMARY OF DECISION

We AFFIRM and enter a new ground of rejection (37 C.F.R.

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[1] "Appellant" refers to "applicant" as defined in 37 C.F.R. § 1.42(a). Appellant identifies Datonics, LLC as the real party in interest. (Appeal Br. 2.)

§ 41.50(b)).

THE INVENTION

Appellant states "the present invention generally relates to profile-based behavioral targeting advertisement placement services." Spec. 1:9–10.

Claim 34, reproduced below, is representative of the subject matter on appeal.

> A method of causing delivery of electronic advertisements based on provided profiles comprising:
>
> (a) with a computer system automatically storing, in a database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system;
>
> (b) wherein the profile owner computer is programmed:
>
> (i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system, and
>
> (ii) when the selected media property entity is the entity controlling the computer system, to automatically arrange for electronic delivery of a requested profile to equipment that is part of the computer system of part (a);
>
> (c) with the computer system, using personally identifiable information about the visitor, identifying a second visitor device of the visitor whose profile information was

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> received from the profile owner computer in accordance with part (a); and
>
> (d) later, when the second visitor device is available to receive an advertisement, with the computer system, (i) using a tag associated with the second visitor device as a link to access the profile information associated with the visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

(Appeal Br. 1–2 (Claims App.).)

THE REJECTIONS

The following rejections are before us for review.

Claims 34–51 are rejected on the ground of nonstatutory double patenting over claim 1 of U.S. Patent 10,984,445 (previously US application 15/893,354) in view of Sathish (US 2007/0005990 A1; pub. Jan. 4, 2007).

Claims 34–51 are rejected under 35 U.S.C. § 101 as being directed to an abstract idea (i.e., a judicial exception) without significantly more.

Claims 34–37, 39, 41–43, 45–47, and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilmour (US 2004/0068477 A1; pub. Apr. 8, 2004) in view of Sathish.

Claims 38, 40, 44, and 48–50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilmour in view of Sathish further in view of Horowitz (US 2005/0097204 A1; pub. May 5, 2005).

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section

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below are supported at least by a preponderance of the evidence.[2]

35 U.S.C. § 103 REJECTION

Independent claim 34 recites:

> (b)wherein the profile owner computer is programmed:
> (i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system.

The Examiner found this limitation is disclosed by Gilmore at paragraphs 39–42, "also per [0058]-[0061] in view of [0088]-[0093]." (Final Act. 17–18). The Examiner determined,

> regarding website 42 dropping a "cookie" on "client computer system 36" [e.g., a first device] visiting/accessing website 42, where the cookie may "be utilized to identify the individual" [profile information], and "the profile service provider 34 [profile owner] receives profile information, for example harvested by a website 42, in the form of an eXtensible Markup Language (XML) document, that the server 22 then utilizes to construct and maintain a profile regarding a potential customer (e.g., the individual 32) on behalf of the website 42 [profile supplier] ..." and these profiles are "selectively publish[ed] to third parties"; i.e. a third party requesting such a profile is not selected unless the profile info of the visitor authorizes the third party to receive such info.

[2] *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

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Id.

Appellant argues,

> The examiner focuses on the profiles being "selectively publish[ed] to third parties," based on the authorization rules, which the examiner asserts means that "such a profile is not selected unless the profile info of the visitor authorizes the third party to receive such info." FOA, p. 36. The examiner also alleges that Gilmour "teaches [that the] 'profile service provider' [which is allegedly the] profile owner computer[,] sends 'a query result 66' to an entity out of a plurality of entities requesting profile information[,] i.e.[,] a media property entity has been selected, to whom a query result is to be sent, based on matching criteria." FOA, p. 36.
>
> However, those examiner remarks confuse the selection *of profile information* for inclusion into the query result, with the claimed subject of selecting *a media property,* i.e., selection of the *entity* "to whom the query result is to be sent." Gilmour teaches the former but not the latter, as Gilmour selects profile information for a given entity but does not select an entity. The FOA contains hand waving to avoid facing up squarely to the distinction, saying that the current, requesting entity "has been selected." The use of the passive voice conceals the problem: Because the requesting entity "has been" known already, no selection need take place in Gilmour.

Appeal Br. 17–18.

We agree with Appellant because there is no disclosure of selecting one of a plurality of entities for a given profile information, as claimed, in Gilmour.

Appellant defines key terms based on the Specification as follows:

> (2) A "media property entity" is an entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 17-18. Examples of "media property entities" include companies operating websites or ad network companies that have access to a website's ad space. 5:5-6. . . .

. . . .

(3) "Profile information" is any information characterizing a visitor/user (demographic) or describing what a visitor/user did (behavioral). 3:2, 3:6.

Appeal Br. 6.

Based on these definitions, we find, Gilmour at paragraph 58 discloses: "[t]he rule 70 may further specify that a predetermined information (e.g., only interest information or interest, contact and identification information) be presented to the requesting entity 50 as part of a hit notification." Here, profile information is sent to the requesting entity based on a policy set by the profile owner and not by the claimed comparison process. That is, Gilmore does not disclose selecting a media property entity based on the claimed, comparison of (A) profile information about a visitor who electronically accessed an electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities. It is not apparent and the Examiner does not explain how one of ordinary skill in the art would have known to cause Gilmore's policy to be "based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier using a first visitor device, with (B) a plurality of stored requests from the plurality of media property entities."

Accordingly, we will not sustain the obviousness rejection of independent claim 34. Because claims 35–51 depend from claim 34 and

because we do not sustain the rejection of independent claim 34, the rejections of claims 35–51[3] likewise are sustained.

NEW GROUND: 35 U.S.C. § 101 REJECTION

Under our authority granted under 37 C.F.R. § 41.50(b), we enter a new ground of rejection of claims 34–51 under 35 U.S.C. § 101.

An invention is patent eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See id.* at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

[3] The additional reference of Horowitz used to separately reject dependent claims 38, 40, 44, and 48–50 under 35 U.S.C. § 103(a) in combination with Gilmore, does not remedy the shortfall discussed here concerning Gilmore.

If the claim is "directed to" an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where "we must examine the elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (quotation marks omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

In January 2019, the U.S. Patent and Trademark Office ("USPTO") published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Guidance").[4] "All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance." (*Id.* at 51; *see also* October 2019 Update at 1.[5])

Under the 2019 Revised Guidance, we first look to whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of

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[4] In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, *October 2019 Update: Subject Matter Eligibility* (the "October 2019 Update") (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf).

[5] The Manual of Patent Examining Procedure incorporates the 2019 Guidance and subsequent updates in Section 2106 (9th ed. Rev. 01.2024, pub. Nov. 2024).

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> organizing human activity such as a fundamental economic practice, or mental processes) ("Step 2A, Prong One"); and
>
> (2) additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent Examining Procedure ("MPEP") § 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 01.2024 (Nov 2024))) ("Step 2A, Prong Two").[6]

(Guidance, 84 Fed. Reg. at 52–55.)

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look, under Step 2B, to whether the claim:

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

(Guidance, 84 Fed. Reg. at 52–56.)

In so doing, as indicated above, we apply a "directed to" two prong test: 1) evaluate whether the claim recites a judicial exception, and 2) if the claim recites a judicial exception, evaluate whether the claim "appl[ies], rel[ies] on, or use[s] the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." (Guidance, 84 Fed. Reg. at 53; *see also* MPEP §§ 2106.04–2106.05.)

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[6] This evaluation is performed by (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception, and (b) evaluating those additional elements individually and in combination to determine whether the claim as a whole integrates the exception into a practical application. *See* Guidance – Section III(A)(2), 84 Fed. Reg. at 54–55.

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Accordingly, our findings of patent ineligibly are as follows.

The Specification states:

> AlmondNet, Tacoda, RevenueScience, and other companies (herein "BT companies"; "BT" stands for behavioral targeting) specialize in targeting ads based on observed behavior of sites' visitors. To record a visitor's observed behavior, a BT company places a cookie (or cookies) on the computers of visitors to specific sections of a publisher's website or on the computers of visitors of the publisher who conducted a specific action such as search, click content, click an ad, make a phone call, request information, acquire a product, etc.
>
> The placement of cookies allows those publishers or the BT company itself to sell ads to advertisers. Those ads will be presented to the profiled visitors when they are found later on the same site or on other sites. Such sites can be either a site where the BT company's software is used or a site where the BT company has bought media. The BT company may buy the media on behalf of itself or on behalf of the publisher, who is interested in delivering ads to its audience outside the publisher's site.

Spec. 2:10–22.

Examples of "ad space" include:

> a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels ... , a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space.

Spec. 5:5–9.

The preamble states independent claim 34 is "[a] method of causing delivery of electronic advertisements based on provided profiles." Claim 34.

Claim 34 recites in pertinent part with emphasis added,

> (a) . . . *storing*, in a database . . . , profile information associated with a visitor, as a result of . . . receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling [a] computer system;
>
> (b) . . .
>
> (i) . . . *select[ing]* a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who . . . accessed . . . a profile supplier. . . , with (B) a plurality of stored requests from the plurality of media property entities, one of which media property entities is the entity controlling …, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling …, and
>
> (ii) when the selected media property entity is the entity controlling…, to automatically *arrange* for . . . delivery of a requested profile to equipment that is part of the computer system of part (a);
>
> (c) . . . *using* personally identifiable information about the visitor, identifying a second visitor . . . whose profile information was received from the profile owner … in accordance with part (a); and
>
> (d) later, when the second visitor . . . is available to receive an advertisement, . . . , (i) *using* a tag associated with the second visitor . . . as a link to access the profile information associated with the visitor stored in the database, and (ii) *using* the profile information linked to the tag to automatically cause delivery of an advertisement to the second visitor device, wherein the … advertisement is dependent on the profile information associated with the visitor.

All this intrinsic evidence shows that claim 34 recites matching users' profile data to one of the plurality of media property entities which expresses

interest in the characteristics of a given user, which constitutes advertising/marketing activities and following rules or instructions which is one of certain methods of organizing human activity that are judicial exceptions. (Guidance, 84 Fed. Reg. at 52.)

Also, the claimed steps shown in italics above mimic human thought processes of planning, e.g., selecting certain information over information, i.e., evaluation, and creating, perhaps with paper and pencil, graphic data interpretation perceptible only in the human mind. *See In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 611 (Fed. Cir. 2016); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016). The Federal Circuit has held similar concepts to be abstract. For example, the Federal Circuit has held that abstract ideas include the concepts of collecting data, analyzing the data, and reporting the results of the collection and analysis, including when limited to particular content. *See, e.g.*, *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340–41 (Fed. Cir. 2017) (identifying the abstract idea of organizing, displaying, and manipulating data); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (characterizing collecting information, analyzing information by steps people go through in their minds, or by mathematical algorithms, and presenting the results of collecting and analyzing information, without more, as matters within the realm of abstract ideas). Thus, under the first prong, claim 34 recites the patent-ineligible judicial exception of a mental process.

Turning to the second prong of the "directed to" test, claim 34 requires, a computer system, a first visitor device, a second visitor device, and a profile owner computer. These components are described in the Specification at a high level of generality. *See* Spec. 12:22–29, 13:1–2,

Fig. 2. We fail to see how this generic recitation of the most basic computer components and/or of a system so integrates the judicial exception as to "impose[] a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." (Guidance, 84 Fed. Reg. at 53.)

Merely confining the abstract idea to a particular technological environment does not establish a practical application. (*See* Guidance, 84 Fed. Reg. at 54.) "A claim does not cease to be abstract for section 101 purposes simply because the claim confines the abstract idea to a particular technological environment in order to effectuate a real-world benefit." *In re Mohapatra*, 842 F. App'x 635, 638 (Fed. Cir. 2021).

Thus, we find that claim 34 recites the judicial exceptions of certain methods of organizing human and a mental process. (Guidance, 84 Fed. Reg. at 52.)

That claim 34 does not preempt all forms of the abstraction or may be limited to delivery of electronic advertisements does not make it any less abstract. *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) ("And that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract.").

Turning to the second step of the *Alice* analysis, because we find that claim 34 is directed to an abstract idea/judicial exception, the claim must include an "inventive concept" in order to be patent eligible, i.e., there must be an element or combination of elements sufficient to ensure that the claim in practice amounts to significantly more than the abstract idea itself. *See Alice*, 573 U.S. at 217–18 (quoting *Mayo*, 566 U.S. at 72–73).

Concerning this step we find the claim does not include limitations that are "significantly more" than the abstract idea itself. "[T]he relevant question is whether the claim[] here does more than simply instruct the practitioner to implement the abstract idea . . . on a generic computer." *Alice*, 573 U.S. at 225. It does not.

Taking the claim elements separately, the function performed by the computer at each step of the process is purely conventional. Using a computer to retrieve, select, and apply decision criteria to data and modify the data as a result amounts to electronic data query and retrieval—one of the most basic functions of a computer. As to the data operated upon, "even if a process of collecting and analyzing information is 'limited to particular content' or a particular 'source,' that limitation does not make the collection and analysis other than abstract." *SAP Am. Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018) (internal citation omitted).

All of these computer functions are well-understood, routine, conventional activities previously known to the industry. *See Elec. Power*, 830 F.3d at 1354; *see also In re Katz Interactive Call Processing Patent Litig.*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) ("Absent a possible narrower construction of the terms 'processing,' 'receiving,' and 'storing,' . . . those functions can be achieved by any general purpose computer without special programming"). In short, each step does no more than require a generic computer to perform generic computer functions. Claim 34 does not, for example, purport to improve the functioning of the computer itself. In addition, claim 34 does not effect an improvement in any other technology or technical field. The Specification spells out different generic equipment and parameters that might be applied using this concept and the particular

steps such as conventional processing would entail based on the concept of information access under different scenarios. *See* Spec. 12:22–29, 13:1–2, Fig. 2. Thus, claim 34 amounts to nothing significantly more than instructions to apply the abstract idea using some unspecified, generic computer. Under our precedents, that is not enough to transform an abstract idea into a patent-eligible invention. *See Alice*, 573 U.S. at 225–26.

Considered as an ordered combination, the computer components of claim 34 add nothing that is not already present when the steps are considered separately. The sequence of data reception-analysis (select[ing], arrang[ing], using (in succession)) and storing is equally generic and conventional or otherwise held to be abstract. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction), *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that sequence of data retrieval, analysis, modification, generation, display, and transmission was abstract), *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (holding sequence of processing, routing, controlling, and monitoring was abstract). The ordering of the steps is, therefore, ordinary and conventional.

Claims 35–51 depend from independent claim 34, and are directed to the same abstract idea as independent claim 34. *See Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1348 (Fed. Cir. 2014) (explaining that when all claims are directed to the same abstract idea, "addressing each claim of the asserted patents [is] unnecessary."). These dependent claims recite additional features related to

targeted advertising, claim 38: using the profile information about the visitor derived from the visitor's activity; claims 39, 41, 47: reporting information about delivery of the advertisement; claim 40: redirection of information; claim 42: data identifying profile owner company; claims 43, 49: data selection based on visitors activity; claim 44: routing of information based on visitor identification e.g., URL; claim 45: tag data identifying user; claim 46: routing of information via visitor identification e.g., URL; claim 48: routing profile owner information via profile owner identification e.g., URL; claim 50: routing of information based on visitor identification e.g., URL.

Claims 35, 36, 37, and 51 all merely recite generic device limitations which cannot constitute an inventive concept – these claims are insufficient, in our view, to confer patent eligibility.

NONSTAUTORY DOUBLE PATENTING

The Examiner rejects claims 34–51 on the ground of nonstatutory double patenting over claim 1 of U.S. Patent 10,984,445 (previously US application 15/893,354) in view of Sathish. (Final Act. 4–5).

Appellant argues, "[t]he double-patenting rejection depends on combining Grandparent U.S. Patent 10,984,445 with Sathish. Because Sathish is not analogous art to the claimed invention, for the reasons shown in Part I.C above, the Board must reverse this rejection as well." (Appeal Br. 27).

Appellant's arguments to non-analogous art are:

> Sathish is not "reasonably pertinent to the problem faced by the inventor." The instant specification identifies (at 8:21-10:17) a

> number of "possible challenges," i.e., problems faced by the inventor. That section concludes with a summary that problems include developing a "more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement," to address the various more specific "challenges" recited on those pages. Sathish is not at all "pertinent" to any of those issues. Sathish does not even contain the words "advertise" or "advertisement" or "behavior" or "target" (or any variants).

Appeal Br. 23.

We disagree with Appellant. "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992).

The Specification states one problem to be addressed is

> The only server that can read a cookie on a user's computer is a server operating under the same domain as the server that placed the cookie on a user's computer to begin with. In other words, a cookie placed by a server operating under one domain cannot be read by another server working under a separate domain. That is why the advertiser cannot expect to place a cookie of its own (e.g., ford.com cookie) on a visitor to its site and then later expect the DoubleClick ad server (doubleclick.com) to be able to recognize the visitor when that visitor is visiting sites where DoubleClick serves ads by reading the ford.com cookies.

Spec. 1:20–27.

Claim 34 recites in response to the cookie identification problem described in the Specification, "*using a tag associated with the second visitor device as a link to access the profile information associated with the*

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visitor stored in the database, and (ii) using the profile information linked to the tag to automatically cause delivery of an electronic advertisement to the second visitor device." (emphasis added). The Examiner applies Sathish to meet this limitation finding, "Sathish per at least [0053]-[0054] teaches using the multimodal profile [tag] associated with the second visitor device as a link to access the composite profile [profile information associated with the visitor stored in the database] and this info is used to determine which modality of content is provided to a device." (Ans. 8).

Paragraph 54 of Sathish states: "Using the unique user ID, in Step **107,** the Interaction Manager **230** determines whether the subsequent device(s) is/are operated by the same user—i.e., is/are the unique user ID of the subsequent device(s) the same as that of the first?" We find this problem to be reasonably pertinent to that described in the Specification as both are concerned with visitor recognition between visiting sites based on a unique user ID, e.g., "a cookie."

As such, we sustain the nonstatutory double patenting rejection of claims 34–51.

CONCLUSION

We conclude the Examiner did err in rejecting claims 34–51 under 35 U.S.C. § 103.

We conclude the Examiner did not err in rejecting claims 34–51 on the ground of nonstatutory double patenting.

We enter a new ground in rejecting claims 34–51 under 35 U.S.C. § 101.

DECISION SUMMARY

In summary:

Claim(s) Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed	New Ground
34–51		Nonstatutory Double Patenting U.S. Patent 10,984,445, Sathish	34–51		
34–51	101	Eligibility	34–51		34–51
34–37, 39, 41–43, 45–47, 51	103	Gilmour, Sathish		34–37, 39, 41–43, 45–47, 51	
38, 40, 44, 48, 49, 50	103	Gilmour, Sathish, Horowitz		38, 40, 44, 48, 49, 50	
Overall Outcome			34–51		34–51

TIME PERIOD FOR RESPONSE

This Decision contains a new ground of rejection pursuant to 37 C.F.R. § 41.50(b). Section 41.50(b) provides "[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review." Section 41.50(b) also provides:

> When the Board enters such a non-final decision, the appellant, within two months from the date of the decision, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims:
>
> (1) *Reopen prosecution*. Submit an appropriate amendment of the claims so rejected or new Evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the prosecution will be remanded to the examiner. The new ground of rejection is binding upon the examiner unless an amendment or new Evidence not previously of Record is made which, in the opinion of the examiner, overcomes the new ground of rejection designated in the decision. Should the examiner reject the claims, Appellant may again appeal to the Board pursuant to this subpart.
>
> (2) *Request rehearing*. Request that the proceeding be reheard under § 41.52 by the Board upon the same Record. The request for rehearing must address any new ground of rejection and state with particularity the points believed to have been misapprehended or overlooked in entering the new ground of rejection and also state all other grounds upon which rehearing is sought.

Further guidance on responding to a new ground of rejection can be found in the MPEP § 1214.01.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED; 37 C.F.R. § 41.50(b)

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHKEDI

Appeal 2024-001881
Application 17/401,052
Technology Center 3600

Oral Hearing Held: December 17, 2024

Before ANTON W. FEITING, JOSEPH A. FISCHETTI, and NINA L. MEDLOCK, *Administrative Patent Judges*.

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The above-entitled matter came on for hearing on Tuesday, December 17, 2024, commencing at 1:25 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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USHER: Calendar number two, 2024-001881, Mr. Louis Hoffman.

JUDGE FETTING: Good afternoon, Counselor.

MR. HOFFMAN: Good afternoon. May it please the Board.

JUDGE FETTING: And before we begin, could you please, again, repeat your name and spell it for the benefit of the court reporter?

MR. HOFFMAN: Yes, Your Honor, my name is Louis Hoffman. I'm here representing inventor Roy Shkedi of Datonics, LLC. And I did send some demonstratives which I hope are --

JUDGE FETTING: Can you spell your name, please?

MR. HOFFMAN: Oh, I'm sorry. H-O-F-F-M-A-N.

JUDGE FETTING: Okay, thank you. Okay, so this, we're on the record. Again, this is calendar two, Appeal number 2024-001881. Is that accurate?

MR. HOFFMAN: Yes.

JUDGE FETTING: Okay.

JUDGE FISCHETTI: What is the nature of your demonstrative?

MR. HOFFMAN: I put together some PowerPoint slides that I submitted two weeks ago.

JUDGE FISCHETTI: Do we have those?

MR. HOFFMAN: I was told you did and would have them on your screen. So, I didn't need to project, but I can do the argument even if I don't.

JUDGE FETTING: Is there anything in the demonstratives that are not in the brief?

MR. HOFFMAN: Well, no, because there's not new arguments or anything. It's just a, you know, hopefully helpful summary of where we are.

JUDGE FETTING: Are we in a position to put the demonstrative up? I guess, I'm asking.

MR. HOFFMAN: I was told that you would have them on your screens individually and that I didn't need to project. I'm not in a position to plug in here and show them, but if you don't have them available, I can just proceed.

JUDGE FETTING: Okay, why don't you just proceed?

MR. HOFFMAN: Okay. They are in the file. And so, if it may be helpful to you--

JUDGE FETTING: Okay.

MR. HOFFMAN: -- in the future.

JUDGE FETTING: By what you have. I should point out, I am Judge Fetting. With me are Patent Judges Fischetti and Medlock. We have read the file. We are familiar with the case and understand the issues. So, you don't need to bring us up to speed. Just get right into the issues and you have 20 minutes.

MR. HOFFMAN: Okay, thank you.

JUDGE FISCHETTI: I think it's tabbed as affidavit declaration.

JUDGE FETTING: Okay, thank you.

JUDGE FISCHETTI: Did your start with overview of the invention claimed? Your demonstrative?

MR. HOFFMAN: There's one slide before that that's a copy of the claim, but yes.

JUDGE FISCHETTI: Yes. Primary elements missing from combined references.

MR. HOFFMAN: Right.

JUDGE FISCHETTI: Okay, we have it. Thank you.

MR. HOFFMAN: Okay, so the first page that you just mentioned, Judge Fischetti, was, keys the specific claim language to the pieces of art, the elements that are not missing from the prior art. What I'd like to talk about first is the piece about automatically selecting a media property entity from a plurality based on a comparison of profile information about a visitor to pre-stored requests. And that's the first thing that is missing from the primary reference, which is called Gilmour. Gilmour does not select immediate property entity and it does not -- what it does is selects profile information. And perhaps the easiest way to see that is to look at Gilmour's figure 3, which has a -- I cited in the, in the briefs the discussion of figure 3. But the -- just a moment. The figure itself may be helpful, is that basically what you have is a requesting entity at the top that is known and that entity provides a query which is identified as 58. And then there's matching rules to compare profiles to the query. And the novel thing about Gilmour, at least what they claim was a novel thing, is the stuff at the bottom where they also could go back and make individual requests to the individual or to the website and see whether there was permission to disclose information that didn't match the rules or that or were told --

JUDGE FISCHETTI: And that's what they're talking about paragraph 58 in Gilmour?

MR. HOFFMAN: I believe that's, yeah.

JUDGE FISCHETTI: That's where they talk about the Rule 70.

MR. HOFFMAN: Let me look at 58. I don't have the number in my head.

JUDGE FISCHETTI: So, we were discussing how that rule would be different, patentably distinguishable from your limitation of selecting, automatically selecting a media property from plurality.

MR. HOFFMAN: Right. So, this --

JUDGE FISCHETTI: There's a rule that's telling you who to pick and who not to pick, right?

MR. HOFFMAN: No, the rule is telling you whether the particular profile information can be given to the requesting entity. So --

JUDGE FISCHETTI: Sort of … --

MR. HOFFMAN: -- it's not selecting the requesting entity from the -- it's, the comparison that's being done is comparing the permitted profile information to be returned to the known entity. And so, there's no selection of the entity and there's also no selection based on the comparison because the entity has already been selected. There is the comparison. What the Examiner identifies as the comparison is done after the entity is already known --

JUDGE FISCHETTI: Okay.

MR. HOFFMAN: -- and so there can't be a selection based on the comparison.

JUDGE FISCHETTI: Understood. Could you take me through figure 2, please, because I'm still trying to understand out how the tag works. I see there's --

MR. HOFFMAN: Of Gilmour or of --

JUDGE FISCHETTI: No, no. Of your patent, of the --

MR. HOFFMAN: Okay.

JUDGE FISCHETTI: -- patent disclosure. I see you have visitors and you got a redirection through the PS modules to the PO server, return, return tag, and then somehow or another the visitor comes back over to the MP1 or MP2 and how those two scenarios work out.

MR. HOFFMAN: So, the, in the claimed invention the, there's stored, the profile owner computer has a bunch of stored requests from different media property entities.

JUDGE FISCHETTI: Right.

MR. HOFFMAN: And in the -- you select which particular one of those based on comparing the profile information about the visitor to those requests and then send that profile information to the selected entity. So, the selected media property. The media property can control a website or something like that. So, in the -- and then it goes on that the media property can then later, when a different computer that's a different computer or other device that is associated with the same user arrives at the website that the entity controls, they can deliver a targeted ad.

JUDGE FISCHETTI: How does it identify, if you're on a different computer, how does it make the identification that they've got the same visitor?

MR. HOFFMAN: So, in part C of claim 34, the personal identifiable information about the visitor is used to identify a second device that about the same, of the same visitor.

JUDGE FISCHETTI: So, if we look at figure 2, we see a lot of activity on the left side of figure 2. Again, we got a redirection into the PO company by a visitor going to the website PS. At that point, is that where

identification data -- I mean, if this data that's going into PO server is irrespective of the device identification, what is it that keys the MP entities to identify? If there's, you know, if there's nothing about a device, is it a unique identifier that's stored? All it talks about is profile information.

MR. HOFFMAN: Yeah, the --

JUDGE FISCHETTI: It's behavioral. I mean --

MR. HOFFMAN: Figure 2 is not intended to show the multiple device. It's intended to show general. And there's written description that talks about how you can use -- this would, this -- the -- how you can associate devices by using stored information about different devices that belong to the same (inaudible).

JUDGE FISCHETTI: So, it's more than behavioral?

MR. HOFFMAN: It can be either behavioral or personal information. For example, if you go on and you know, give your age, that's not behavioral.

JUDGE FISCHETTI: Right.

JUDGE FISCHETTI: That would be demographical.

JUDGE FISCHETTI: But there could be many people my age out there that visit Google.

MR. HOFFMAN: Right.

JUDGE FISCHETTI: So how --

MR. HOFFMAN: But, but there's a, usually this is done with cookies. So, there's some tag that, that either that identifies your device that keys to stored information that's kept in a database. And then that same database can identify another device that is also presumed to identify the same person. In the case of personal identifiable information, you would, it could be that

you've logged into the same site and given your password using a computer and a cell phone, for example. And then they know that those are associated with each other. So, an entity can collect that kind of personal information and keep track of it. Or, for example, your ISP may be delivering the same, it may be providing both cell phone connections and Internet or say TV connections and Internet connections. You could associate a TV device and an Internet connection because the same IP address is being used. And there are dependent claims that talk about that kind of technology.

But anyway, the figure 2 is meant to show an approach where there's a redirection to the PO.

JUDGE FISCHETTI: Right.

MR. HOFFMAN: And then that PO can then check to see which of the stored requests it needs and then deliver the visitor's information to that MP. And then that MP can, you know, either put its own tag or not, but later detect the same device or associated device arriving.

JUDGE FISCHETTI: In those overarching lines that come across the figure from MP back to visitor, what is transmitted in those, in that signal?

MR. HOFFMAN: That's the one, line 30, I believe, was the delivery at time two of an ad --

JUDGE FISCHETTI: I see.

MR. HOFFMAN: -- that's customized to that visitor. So, the technique of this particular claimed invention allows for the ad to be delivered based on profile information that was identified with respect to the first device --

JUDGE FISCHETTI: Of course.

MR. HOFFMAN: -- even when the second device is the one that arrives at the website or other media property.

JUDGE FISCHETTI: So, somehow, which isn't in the claim, there's an identification of the visitor irrespective of the device that was used, the first device, rather?

MR. HOFFMAN: There's an identification that the second device is associated with the same visitor as the first device. To be more precise, if I could.

JUDGE FISCHETTI: Right. But so, how --

MR. HOFFMAN: It doesn't necessarily have to identify that it's, you know, Mr. Fischetti, it just has to identify that these two devices belong to the same people. It could be done by personal identification because of your name and say birth date or whatever, but it could be any other information that's personally identifiable information. And that is claimed in part C. There's a --

JUDGE FISCHETTI: Right.

MR. HOFFMAN: -- use of PII to detect the second device. So, the -- may I move on?

JUDGE FISCHETTI: Please. Go ahead. Yeah.

MR. HOFFMAN: Okay. Thank you. So, the first issue is this selection of media property entity based on the comparison rather than selecting, than what the reference discloses. And as I said, figure 3 might be the most helpful because you're just selecting data or which profile information based on a given request, and you're doing it after the entity is already known. So, that's distinction number one. The rest has to do with part B or point B in the briefs has to do with the secondary reference, which

is Sathish. And in the interest of time, I'm going to skip B.1 and talk about the second point which is Sathish does not deliver electronic advertisements.

This is slide 9 if you're following along on the slides, for those of you who have it. The Sathish simply is trying to different devices. I'm sorry, not trying to connect a device, trying to use the different devices that a user may be interested in when they're surfing the web or something, they may want to do so using one device or a different device, like a voice microphone versus a keyboard. And Sathish simply talks about having profile information or what the Examiner calls profile information. I'm not really sure it is, but it's information about the nature of the devices. And so that you could, you can recognize what the user is saying or what input they're providing using one device versus another device.

And there is a -- there is no mention in Sathish of ad delivery at all. It's simply designed to allow websites to be called up using different devices. And so, the Examiner, in the Examiner's answer, finally came up with a construction of the word advertisement, which the Examiner says is simply public notice and a public notice. And the problem with that is that the specification in context, our specification, distinguishes ads from web page content. So, just merely discussion of a website per se, without any discussion of advertisement, or choosing advertisements, or delivering advertisements, is not in our view, causing delivery of electronic advertisement.

JUDGE FISCHETTI: Counselor, in that regard, you have a double patenting rejection, too. And you make the argument that Sathish is not analogous art. Is that what you're arguing here?

MR. HOFFMAN: No, this is simply another reason for the 103 rejection. The non-analogous art is, I'd like to turn to that as well. The issue is whether Sathish disclosure is pertinent to any challenge identified by the Applicant. And the Applicant, this specification talks about a number of problems and challenges, but the Examiner has not shown that any of those are --

JUDGE FISCHETTI: The argument for the double patenting is just an assertion that the prior art is not analogous. So, is that the extent of your double patenting argument?

MR. HOFFMAN: Yes. And the fact that the Examiner hasn't shown that it is analogous in any way. The Examiner's arguments about why it's analogous art --

JUDGE FISCHETTI: Are you expecting the same presentation in a double patenting rejection for obviousness on double patenting as you expect from rejection of the 103?

MR. HOFFMAN: If a reference is not analogous already can be used for neither 103 nor double patent.

JUDGE FISCHETTI: Right.

MR. HOFFMAN: Is my -- yes.

JUDGE FISCHETTI: You've --

MR. HOFFMAN: So, the answer is yes.

JUDGE FISCHETTI: Okay. So, you're looking for the same depth of analysis for the double patenting. Obviously, double patenting rejection is than you'd expect in a 103 rejection.

JUDGE FETTING: Just so you're aware, you have about four minutes remaining.

MR. HOFFMAN: Okay. The -- thank you, Your Honor. Yeah, I mean, I think that the Examiner has the duty to not simply piece together the rejection, whether it's a 103 or a double patenting rejection, but to say why a reference is combinable with the primary reference or is a double patenting with the claim, the prior claim, the reference claim. And so, if the Examiner doesn't do that, which I believe is the case here, then the --

JUDGE FISCHETTI: Well, it was done in the 103, which I think is complete.

MR. HOFFMAN: Well, but the 103, the Examiner set talks about it being pertinent to issues raised by Gilmour, which is not relevant. And it talks about that it comes up with a -- it fills a hole that it wasn't in the previous claim, which is not sufficient to show that it's prior art, because that's true all the time. And so, the Examiner doesn't identify any -- what challenge it is by the inventor other than his challenge of trying to find a missing reference.

But so, the saying that it's found to teach certain features admittedly missing from Gilmour and therefore it's reasonably pertinent to the problem is simply saying that any piece of prior art that fills in a gap can be used, which is clearly not the case because you have to show that it's analogous art, otherwise it's not obvious to combine. So, I don't think the Examiner has come up with any reason for why it's addressing a challenge pertinent to the problems addressed by the inventor, which relate to more efficient method of targeted advertisement. Which is why I pointed out before that Sathish doesn't even deal with advertisement. So, it's not, therefore, I don't think it's therefore pertinent to the problem faced by the Applicant. And if it's not, it's

not prior art that you can combine with a reference of prior -- for double patting purposes as well.

JUDGE FISCHETTI: Gilmour was as close as you -- as the Examiner could get to your issued patent 10/984,445.

MR. HOFFMAN: Yes. And in allowing -- the same Examiner interestingly allowed that patent over Gilmour, which doesn't have the cross device part in it, and said that Gilmour didn't have all the elements. And so now has reversed course in this proceeding for unexplained reasons.

JUDGE FISCHETTI: That was a distinction between two words, wasn't it? Device versus -- I looked at the transcript on that case and --

MR. HOFFMAN: Oh, oh, the immediate property entity versus media property --

JUDGE FISCHETTI: Device.

MR. HOFFMAN: -- equipment.

JUDGE FISCHETTI: Equipment.

MR. HOFFMAN: Yes.

JUDGE FISCHETTI: Right. Yeah, that was the whole distinction there.

MR. HOFFMAN: Yes, I understand that the issue was not resolved, but when allowing the case, after that, the Examiner cited Gilmour and said --

JUDGE FISCHETTI: Right. Had filed for reconsideration, which I thought was unique.

MR. HOFFMAN: Yes, to say -- I thought so too. But in any event he cited it and said that it didn't have all of the elements and now is claiming that he does have all the elements that match the patent at least, and they use

Sathish to fill in the gap of the dual device, cross device thing (phonetic). What we're trying to get is a narrower patent as compared to the previous patent in this continuation.

JUDGE FETTING: Counsel, just about out of time. You want to take a minute to wrap up?

MR. HOFFMAN: No, I think this is a good point to --

JUDGE FETTING: Okay.

MR. HOFFMAN: -- to stop if there's no other questions. I guess I should say that I do think that this invention has significant advantages over the cited combination in allowing both different devices and different times and nevertheless being able to deliver an effective advertisement.

JUDGE FETTING: Do you have any further questions, Judges? No. Okay, we'll take your comments under advisement. The case is submitted.

MR. HOFFMAN: Thank you very much. Appreciate it.

(Whereupon, the proceedings at 1:53 p.m. were concluded.)